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General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1431st Meeting
Monday, 11 July 1994, 10 a.m.
New York

Acting Chairman: Mr. Remirez de Estenoz Barciela . . . . (Cuba)

The meeting was called to order at 10.35 a.m.

Statement by the Chairman

Cooperation with intergovernmental bodies

Cooperation with United Nations bodies

United Nations Visiting Mission to Tokelau

Organization of work

The Chairman (interpretation from Spanish): I would like to begin by welcoming the new Secretary of our Committee, Mr. Abrous. He is also the Deputy Director of the General Assembly and the Trusteeship Council, and has been appointed to serve as Secretary of our Committee. He has lengthy experience in the United Nations and until recently was the Deputy Director of the Centre Against Apartheid. On behalf of our entire membership, I bid welcome to Mr. Abrous.

I have the honour of welcoming members to the summer session of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Since our last plenary meeting, the members of the Committee have been quite busy. The Subcommittee on Small Territories, Petitions, Information and Assistance has completed its work on time, and I understand that its Rapporteur will introduce those reports shortly. The expanded Bureau also met when required to discuss the rationalization and organization of the Committee's work.

As members are aware, the Committee participated in the Global Conference on the Sustainable Development of Small Island Developing States, held in Barbados from 1 to 6 May 1994. At that Conference, I was accompanied by the Committee's Rapporteur, Mr. Farouk Al-Attar of the Syrian Arab Republic, and by Mr. Amor Ardhaoui of Tunisia, Chairman of the Subcommittee on Small Territories, Petitions, Information and Assistance. The report of the delegation to that Conference was circulated in *aide-mémoire* 9/94.

In my capacity as Acting Chairman, I also represented the Committee at the eleventh Ministerial Meeting of the Non-Aligned Movement, held in Cairo from 31 May to 3 June 1994. The statement I delivered on behalf of the Committee at that meeting and the report on my participation was circulated in *aide-mémoire* 10/94.

Later this month, I will, on behalf of the Committee, participate in the deliberations of the Economic and Social Council on the agenda item relating to the implementation of the Declaration by the specialized agencies. I will present my report on the work of the Economic and Social Council meetings when we take up that agenda item at a future meeting.

This year, the Committee was unable to hold its Seminars at Headquarters and decided to postpone it to a future date. It will be recalled that the Special Committee, in keeping with the provisions of the Plan of Action for the International Decade, during 1992 and 1993 held two regional seminars, one in the Caribbean and one in the Pacific. The main aims of those seminars were to review the political, economic and social conditions in the

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remaining Territories and to ascertain the views and aspirations of their peoples concerning their future status. As members will recall, the Committee has consistently reaffirmed that the views of the peoples concerned should be paramount in charting a new course for the Committee's actions.

Creating the necessary conditions for complete decolonization by the year 2000 will require that continuing efforts be made to harmonize the views, however divergent, of all the partners in the decolonization process, the ultimate goal being the interests of the peoples of the Territories concerned. If we wish to assist the peoples of those Territories, the outcome of our work at this session and our recommendations should reflect those concerns above all. As in the past, we must continue to pay close attention to the specific problems of the small island Territories and persevere in our efforts to help them achieve their objectives.

In this context, the Special Committee will send a visiting mission to Tokelau at the invitation of the Government of New Zealand, the administering Power, to assess the situation in the Territory and ascertain the wishes and aspirations of its people regarding their future status. In that connection, I understand that the related consultations have been finalized among regional groups and that the visiting mission will be composed of representatives of Chile, Papua New Guinea, Sierra Leone and Tunisia. Mr. Amor Ardhaoui, Chairman of the Subcommittee, will lead the visiting mission, which is to take place approximately from 19 July to 10 August.

Reports of the Subcommittee on Small Territories, Petitions, Information and Assistance

Question of Pitcairn (A/AC.109/L.1813)

Question of St. Helena (A/AC.109/L.1814)

Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands, United States Virgin Islands (A/AC.109/L.1815)

Question of dissemination of information (A/AC.109/L.1816)

The Chairman *(interpretation from Spanish):* To introduce the reports of the Subcommittee on Small Territories, Petitions, Information and Assistance, I call on the Rapporteur of the Subcommittee, Ms. Cecilia MacKenna of Chile.

Ms. Mackenna (Chile), Rapporteur of the Subcommittee on Small Territories, Petitions, Information and Assistance *(interpretation from Spanish):* I shall read out in English the report I have prepared on the work of the Subcommittee.

(*spoke in English*)

I have the honour, in my capacity as Rapporteur of the Subcommittee on Small Territories, Petitions, Information and Assistance, to introduce to the Special Committee the reports of the Subcommittee on the agenda items allocated to it during the current session. The reports are as follows.

First, the report of the Subcommittee on the Territory of Pitcairn is contained in document A/AC.109/L.1813. The Subcommittee considered this Territory on 12 and 14 April 1994 and on 7 June 1994. On that date, it adopted by consensus a draft decision on the Territory, which is contained in section C of the document.

Secondly, the report of the Subcommittee on the question of St. Helena is contained in document A/AC.109/L.1814. The Subcommittee considered this Territory on 12 and 14 April 1994 and on 7 June 1994, and adopted by consensus a draft decision on the Territory on 7 June 1994.

Thirdly, the report of the Subcommittee on the question of dissemination of information on decolonization is contained in document A/AC.109/L.1816. This report has been divided into five sections. The first section contains a brief introduction. Section II covers the consultations with the representative of the Department of Public Information. Section III is allocated to the consultations with the representative of the Department of Political Affairs. Section IV covers the issue of the Week of Solidarity with the Peoples of All Colonial Territories Fighting for Freedom, Independence and Human Rights. Section V covers the conclusions and recommendations.

The question of dissemination of information on decolonization was considered by the Subcommittee on 16, 19, 23 and 26 May 1994, and the Subcommittee adopted the report by consensus on 7 June 1994.

Fourthly, the report of the Subcommittee on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands is contained in document A/AC/109/L.1815. The text of the consolidated draft resolution on all those Territories is contained in part A of the draft consolidated resolution in that document. Part B contains separate draft resolutions on each Territory except Tokelau. The Subcommittee adopted the report on 7 June 1994 by consensus.

As members are aware, the question of Tokelau will be considered at a future meeting when the report of the visiting mission that has just been mentioned by the Chairman is issued.

These conclusions and recommendations were achieved during consultations that took place at a number of formal and informal meetings. I hope that the Special Committee of 24 will adopt the reports.

Requests for hearing

The Chairman *(interpretation from Spanish):* Before the Committee takes up the reports of the Subcommittee, I should like to draw the attention of members to the requests for hearings, distributed in *aides-mémoire* 16/94 to 20/94 and 22/94, concerning Guam, the United States Virgin Islands, the Falkland Islands (Malvinas), East Timor, Western Sahara and New Caledonia.

Regarding the request for a hearing on Guam - this is in *aide-mémoire* 16/94, may I take it that the Committee is prepared to accede to the request for a hearing?

It was so decided.

The Chairman *(interpretation from Spanish):* We now turn to the question of the United States Virgin Islands. Let me say again that we are looking only at the request for a hearing, not going into the substantive issues, which will be debated in our consideration of the report of the Subcommittee. Does any member wish to speak regarding the request for hearing on the United States Virgin Islands contained in *aide-mémoire* 17/94?

If there are no objections, may I take it that the Committee agrees to accede to that request for a hearing?

It was so decided.

The Chairman *(interpretation from Spanish):* We now turn to the question of the Falkland Islands (Malvinas), in respect of which we shall take up the requests for hearing contained in *aide-mémoire* 18/94.

In this regard , if there is no objection I shall take it that the Committee agrees to accede to these requests for a hearing.

It was so decided.

The Chairman *(interpretation from Spanish):* We now turn the question of East Timor, in respect of which we shall examine the requests for hearing contained in *aide-mémoire* 19/94.

I should like to draw members' attention to the communiqué dated 8 July 1994 from the Permanent Representative of Indonesia to the United Nations, contained in document A/AC.109/1199.

Mr. Jenie (Indonesia): As stated in our letter dated 8 July 1994, with reference to the *aide-mémoire* of the Special Committee now contained in document A/AC.109/1199, I wish to reiterate the position of my delegation as follows.

The process of decolonization in East Timor has been carried out in conformity with the provisions of the Charter of the United Nations and if General Assembly resolution 1514 (XV) and 1541 (XV), thus terminating the colonial status of the former territory. Consequently, the integration of East Timor into the Republic of Indonesia was formalized on 17 July 19976 as its twenty-seventh province, with rights and obligations equal to those of the other Provinces.

In view of the above, my delegation is of the view that the consideration of the question by the Committee is inappropriate and granting of hearings to petitioners before the Committee would serve no useful purpose whatsoever. My delegation therefore reiterates its firm objection to the consideration of the so-called question of East Timor and the participation of petitioners. My delegation would like to see our position reflected in the official records of the Special Committee.

The Chairman *(interpretation from Spanish):* The reservations expressed by the representative of Indonesia will be reflected in the records of the meeting. With that understanding, if there are no further comments, may I take it that the Committee agrees to accede to these requests?

It was so decided.

The Chairman *(interpretation from Spanish):* We now turn to the question of Western Sahara, in respect of which we shall examine the request for hearing contained in *aide-mémoire* 20/94. If I hear no objection, I shall take it that the Committee agrees to accede to this request.

It was so decided.

The Chairman *(interpretation from Spanish):* Turning now to the question of New Caledonia, we shall examine the request for hearing contained in *aide-mémoire* 22/94. If I hear no objection, I shall take it that the Committee agrees to accede to that request for a hearing.

It was so decided.

Question of the United States Virgin Islands

The Chairman *(interpretation from Spanish):* We shall now take up the question of the United States Virgin Islands.

If no member of the Committee wishes to speak first, I shall now, in accordance with a decision taken earlier, invite Mrs. Deborah Jackson of the United Nations Association of the Virgin Islands to address the Committee.

At the invitation of the Chairman, Ms. Deborah Jackson (United Nations Association of the Virgin Islands) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mrs. Jackson.

Mrs. Jackson *(United Nations Association of the Virgin Islands):* Permit me to express my appreciation to you, Mr. Chairman, for the leadership you have demonstrated, and to the Special Committee for the accomplishments it has achieved in the important and difficult tasks that are its responsibility.

My name is Deborah Jackson, and I am presenting this statement on behalf of my colleague, Judith. L. Bourne, who represents the United Nations Association of the Virgin Islands (UNAVI), and who is unable to be in new York today.

UNAVI thanks the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for the opportunity to represent its observations, views and concerns with respect to the Virgin Islands.

The United Nations Association of the Virgin Islands is a relatively young organization. Legally incorporated at the beginning of 1992, it is comprised of inhabitants of St. Thomas, St. Croix and St. John in the United States Virgin Islands and of Tortola in the British Virgin Islands. It is worth noting that this organization founded during the United Nations Decade for the Eradication of Colonialism, has a membership base in two adjacent non-self-governing Territories. The close connections between the British and the United States Territories mandated that the organization envisioned by its founders extend to both Territories, notwithstanding the fact that they are administered by two different nations. These links, which include familial, economic, social and cultural ties, extend from the beginnings of our colonial past and continue to the present. Indeed, in recognition of these links, the elected Governments of both Territories have continuing formal connections.

During the past year the people of both Territories have expressed themselves on matters connected to their status as Non-Self-Governing Territories. The elected British Virgin Islands Government has expressed opposition to changes in its laws and governmental structure being imposed by its administering Power without the consent of the Territory. In this regard, a delegation was scheduled to leave the Territory for London to discuss the structural changes, which the elected Government opposes.

The activity within the United States Virgin Islands is more complex, and illuminates the great need for information and education within the Territory to develop greater awareness of the meaning and implications of its status as a Non-Self-Governing Territory. Because of the importance of the issues raised, the balance of this presentation will address this situation of the United States Virgin Islands.

The activity to which I refer is the so-called status referendum. I refer to it as "so-called" because, by its own terms, the results would not have been binding. This referendum can be seen as the result of a manifold process that began in the 1960s. A first Constitutional Convention was part of the ferment that led to the change in 1970 from having Governors appointed by the United States President to having them elected by the people of the Territory. Although ignored by the administering Power, that Convention passed a resolution recommending a change in the relationship between the Territory and the administering Power.

In a more immediate way, however, the referendum was the result of a formal process begun in 1988 by a territorial law which required the organization of a Commission on Status and Federal Relations to carry out a public education campaign as a prelude to a referendum on the Territory's political status. That education campaign continued until the referendum which took place in 1993, with a two and a half year interruption caused by Hurricane Hugo and its aftermath.

Within the United States Virgin Islands it is generally agreed that the referendum failed. In the most basic sense, it failed because, pursuant to the law under which it was organized, it could not be considered valid unless over 50 per cent of the registered voters of the Territory participated in it. In fact, fewer than 30 per cent of the registered voters of the Territory cast ballots. Also within the Territory this low turn-out is scarcely ever attributed to apathy or indifference. Specific issues are generally held to be responsible, some of which caused great controversy. An examination of the reasons being advanced for the failure of the referendum and several of the controversies which erupted during the latter part of the education campaign illustrates the needs which impelled the formation of UNAVI.

One of the aims of the organization is to make known, and gain support for, the aims, achievements and activities of the organs of the United Nations system. The necessity for such endeavours became clear as certain issues became a part of the public discourse around the status referendum. Several of the controversies which arose in the course of the education campaign were engendered by a conviction among portions of the population, including some elected officials, that neither the subject of the political status of the Territory nor the process by which it might be affected had anything to do with international legal norms or the international community.

When the Governor forwarded to the United States Department of State the Commission's request that a United Nations visiting mission be invited, the request was loudly condemned by some as implying that the Territory was incapable of carrying out a referendum on its own. The position that the United Nations had nothing to do with the status of the Territory was stated by some and implied by others.

The issue of voting requirements, or, as it was often put, "Who could vote", became perhaps the most important issue as the referendum date came closer. There appeared to be majority agreement that the qualifications to vote in the election of representative Government were not appropriate, especially as they require only 90 days' residence in the Territory. The other requirements are the attainment of 18 years of age and the possession of United States citizenship. However, a sizeable portion of the population, led by a member of the Status Commission who was also a member of the legislature, took the position that no different qualifications could be utilized, because the United States Constitution requires that laws protect the rights of all United States citizens equally. The point that the determination of the political status of the Territory derives from the right to self-determination, and is not a right attendant on United States citizenship, was consistently brushed aside.

Virtually all post-referendum analyses list the lack of any definitive resolution of the issue of "Who could vote" as one that had a major impact on the level of voter turn-out. Although some sentiment was expressed that the requirements should be changed by the legislature so that the matter could be tested in court and a definitive resolution obtained, no such action was taken. As the controversy raged, no legislative majority emerged with a consensus for a specifically defined change, and the ordinary election voting qualifications were utilized by default.

At least one group, which had been organized in support of moving towards independence, called for a boycott based on this issue and several related ones. The related issues had to do with the manner in which the options were set forth, defined and explained. The referendum included seven status options. Many found this proliferation confusing, especially as each option had a lengthy and particularized definition, which, although quite specific, was not binding.

When the education campaign was revived in 1992, and after several persons had publicly and repeatedly pointed out that resolution 1541 (XV) speaks in terms of three options, the seven options were grouped into three categories: complete integration with the United States, continued or enhanced territorial status and removal of United States sovereignty.

The manner in which the seven options were divided among the categories was not recognized as having a compelling logic, as it appeared to be based largely on a concept of United States sovereignty which was itself not universally accepted. Further, neither the categories nor the manner in which the options were divided among them was in conformity with resolution 1541 (XV). The fact that the grouping into categories made a further round of voting necessary for a choice to be made among the options included within the wining category further complicated the process. As fewer than half of the registered voters cast ballots in the first round, no further rounds were held.

As can be seen from what I have said, although the proposed report of this Committee refers to the Territory's status referendum, that report does not accurately reflect the reality of the exercise. In the situation that exists, it is incongruous to speak - as the draft consolidated resolution in document A/AC.109/L.1815 does in the preamble to section 9 of part B - of "results of the referendum on political status". On its own terms and according to its own criteria, the referendum produced no results in terms of any choice having been made. As one of the options presented was the continuation of the status quo, one cannot even say that the Territory made a decision to reject a status change and to continue in the current status.

In the final months of the education campaign, discussion - often passionate discussion - began to be heard concerning whether or not international legal norms and international organizations, in particular, the United Nations, had any legitimate role within the process by which the United States Virgin Islands would determine its ultimate political status. Unfortunately, a large sector of those addressing this issue argued that there was no such role. Most persons taking this position were not aware of the role which the United Nations plays with respect to the Territory at present, even though our Governor's Representative for External Affairs sends reports to local media outlets on our participation in United Nations activities as they occur, and portions of his presentations are often broadcast on the radio.

The number of people who are aware of our involvement in United Nations activities, of the fundamental impact of international legal norms on our political status and of the implications that flow from our status is growing. But the rate of growth is much too slow for the United States Virgin Islands to begin to achieve the goals of the United Nations Decade for the Eradication of Colonialism.

A visiting mission to the Territory could be of great value in increasing exposure to and knowledge of these matters for the people of the Territory. The Governor forwarded the request of the Status Commission to the Department of State of the administering Power. The original response of the administering Power indicated that it would not be appropriate to extend such an invitation at that time, as a policy review was in progress. Since then, the review has been completed, a national election has been held, and a new Head of State has been installed. No invitation has yet been extended to this Committee by the administering Power with regard to a visiting mission.

In the light of what I have said, it is clear that the United States Virgin Islands is in need of all available assistance to increase the awareness of the population concerning the possibilities open to them in the exercise of their right of self-determination. We note that the participants in the 1990 regional seminar held in Barbados in observance of the thirtieth anniversary of the Declaration stressed the importance of fair and unbiased political education for the peoples in the Territories, and called for the intensification of the dissemination of information on decolonization with a view to raising the awareness of those peoples about their political rights and the options available to them in determining their future status.

The United Nations Association of the Virgin Islands will work to increase that awareness, recognizing that the effectiveness of our efforts will depend in part upon our utilization of the foundation provided by the work that has been done and is being done by our elected Government. It is the consistent participation of our Government in this Committee and in the other organs of the United Nations system that has provided the basis upon which we can begin our work. In this regard, we would like to express both our sincere gratitude to this Committee for the consideration and assistance it has given to our territorial Government over the years and our confidence that that consideration and assistance will continue and deepen.

Once again, the United Nations Association of the Virgin Islands thanks the Committee for the opportunity to present information that we believe should be useful in its continuing consideration of the situation in the Virgin Islands.

The petitioner withdrew.

Question of Guam

Hearing of the representative of the Governor of Guam

The Chairman *(interpretation from Spanish):* I wish to inform members that Ms. Lourdes Pangelinan, representative of the Governor of Guam, has indicated that she wishes to make a statement at this stage. With the consent of members, and in conformity with standing procedure, I propose that the Committee invite her to make a statement.

It was so decided.

At the invitation of the Chairman, Ms. Lourdes Pangelinan took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Ms. Pangelinan.

Ms. Pangelinan: On behalf of Governor Joseph F. Ada, Governor of Guam, please allow me to extend a very warm *hafa adai* and to extend our deepest appreciation for the continued attention of the Special Committee with respect to the situation in Guam. I am Lourdes Pangelinan, Chief of Staff in the Governor's office; with me is Mr. Leland Bettis, Executive Director of the Guam Commission on Self-Determination.

We greatly appreciate the opportunity afforded us to appear before the Committee today to comment on the proposed language of the draft resolution with respect to Guam. Over the past several years it has been our pleasure to work closely with the Special Committee and its Subcommittee on Small Territories, Petitions, Information and Assistance to provide information and points of clarification with respect to the situation on Guam and with respect to the language of draft resolutions. In that regard, we believe that the obviously growing interest in Guam in the proceedings of this Committee is evident not only in the number of governmental and non-governmental petitioners here today, but also in the Guam Legislature's recent resolution requesting a visiting mission to Guam.

While Guam continues discussions with the administering Power on our commonwealth proposal, greater focus on the obligations of the administering Power to the Non-Self-Governing Territory of Guam under the Charter of the United Nations and ensuing resolutions is necessary and has deep meaning for the people of Guam.

It is with great pleasure that, as we appear here today, we take note of the work of the Special Committee and the Subcommittee on Small Territories, Petitions, Information and Assistance over the past year and a half. During this period the work of the Committee has focused on important details with respect to the Guam Commonwealth Act; on self-determination for the Territory, specifically on Chamorro self-determination; on the issue of land and land return; and on the issue of immigration. We extend our sincere gratitude to the Special Committee for receiving our input and clarifications on the working paper and the draft resolutions.

We would be remiss, however, if we did not also note our gratitude with respect to the undertaking of the administering Power to assist in the process of enhancing the draft resolution on Guam, as was evidenced in their actions in the Fourth Committee deliberations last year. As we noted before the Subcommittee on Small Territories, Petitions, Information and Assistance in May, we were pleased that in last year's deliberations in the Fourth Committee, the administering Power offered amendments to the draft resolution - which we had originally proposed - that made it clear that the presence of military bases and installations would in no way hinder the exercise of self-determination. This action reversed an earlier position of the administering Power which suggested that the right of self-determination could be mitigated *vis-à-vis* military bases and installations. We are also pleased that in last year's Fourth Committee deliberations the administering Power offered no objections to other enhancements in the language of the resolution that were overseen by the Special Committee, for example on the issue of immigration, which is overseen by the administering Power in Guam.

Turning to the draft resolution that is before the Special Committee, with respect specifically to the 1994 draft language, it is our view that the current draft is the most comprehensive and technically correct proposal since the resolution adopted in 1989 by the General Assembly. In this regard, we appreciate the diligence of the Secretariat.

In the first preambular paragraph, the draft resolution accurately describes the Commonwealth Act as providing a framework for a new relationship. More importantly, this first paragraph correctly notes that the Commonwealth Act establishes a process for Guam's decolonization through an act of Chamorro self-determination for the Territory of Guam. This language is more accurate than that of prior resolutions, which, while implying that the Commonwealth promoted that self-government through the enactment of a Constitution, failed to recognize that Commonwealth was an interim status that would grant Guam a form of internal self-government. More importantly, the earlier language failed to recognize that the Commonwealth Act provided a mechanism for decolonization and self-determination for the Territory. The reference to this respect of the Commonwealth Act in the current draft language is critical, because it provides a benchmark with respect to decolonization and to the termination of Guam's non-self-governing status.

The following six preambular paragraphs deal with the nature of the ongoing discussions between Guam's Commission on Self-Determination and the Administering Power, including two paragraphs on the issue of land return, one on the impact of immigration and one on the development of aquaculture and agriculture. These paragraphs point to issues of process and substance. On matters of process, the appointment of a Special Representative by the administering Power and noting that discussions are ongoing are indeed pertinent inclusions. These six preambular paragraphs also note important issues of substance, namely, the evolution of the proposed relationship, Chamorro self-determination, the question of land return, immigration, Guam's role in international organizations, and resource utilization.

Although there appears to be some progress on the part of the administering Power with respect to the evolution of the relationship - for example, the administering Power is currently talking about the imminent breaking of new ground - the remaining issues, however, at least to date, have been viewed by the administering Power as solely within the framework of its internal legal and policy structure.

To date, the administering Power has attempted to paint the issue of Chamorro self-determination and Guam's role in regional and international organizations as being restricted by its own internal constitutional processes. Similarly, the administering Power treats the issues of land and immigration in Guam as if Guam were an integral part of its union. On the matter of expanded offshore aquaculture and land-based agricultural diversity, the administering Power, in the case of the former, claims ownership of Guam's exclusive economic zone, and, in the case of the latter, has taken for its own use the island's historically most productive agricultural properties.

The administering Power's attempts to define Guam's rights within its own constitutional, legal and policy framework is indeed inappropriate from the standpoint of international convention. This approach is also ironic given the fact that even under the legal framework of the administering Power, Guam is not considered a part of the United States. Under its legal standards, Guam is a possession of the United States, with no promise of being a part of its union.

It is not only the approach of the administering Power to Guam's rights that is troubling; it is the effect of its actions that disrupts our rights. While the administering Power's actions with respect to immigration make the Chamorro people a minority in their own homeland, its objection to Chamorro self-determination and decolonization promotes cynicism, anger and frustration. When the administering Power's military forces finally start talking about giving up little bits of land, and they are in turn taken by the civilian agencies of the administering Power, hope for the restoration of property rights is further dampened. The administering Power's control of property, particularly that which is not gainfully used economically, stifles economic development and makes agricultural development less likely. The actions of the administering Power with respect to Guam's participation in regional organizations have also resulted in Guam's role in the South Pacific Regional Environment Programme (SPREP) being minimized. I might add that the manner in which the administering Power successfully excluded Guam from full participation in SPREP is indeed noteworthy. What began as express support for Guam's full participation by SPREP member Governments turned eventually into total exclusion for Guam, but only after much manipulation, nine hours of deliberation and 14 rounds of voting.

While up to now the administering Power has attempted to keep these and other questions within the orbit of its internal legal and policy framework, these are issues that have the personality of international rights and as such appropriately command special consideration by this body. For example, the right of a Non-Self-Governing Territory to decolonization is vested in the people who are colonized; limitations on immigration into Territories under colonial rule is clearly established; the permanent appropriation of land and marine resources by the administering Power is anathema to the responsible role of such a Power; and participation of Non-Self-Governing Territories in regional and international organizations is encouraged. Thus, any attempt to portray these issues as an internal matter between the administering Power and Guam is inconsistent with international principles and the legitimate rights of the people of a Non-Self-Governing Territory.

As we have noted in past statements, many of the provisions of the Guam Commonwealth Act, and the interim status of Commonwealth itself, simply call on the administering Power to enact statutes that reflect its international obligations to the Non-Self-Governing Territory of Guam. We believe that in addition to recognizing the right of the Chamorro people to decolonize their homeland, the least the administering Power should do is to enact statutes of its own which for the first time in nearly 50 years, would recognize its responsibilities to the people of the Non-Self-Governing Territory of Guam which are consistent with its international obligations.

Ultimately, however, the constitutional, legal and policy framework of an administering Power does not serve as a valid basis to deny the inalienable rights of colonial peoples. If administering Powers were allowed to dictate the rights of colonial peoples, the United Nations today would be a much smaller body, and the former administering Powers of new nations such as Namibia would have enriched themselves with the land and natural resources of the colony. But we know that this has not been the case in the past, and it should not begin to be the case now in dealing with the smaller and the more vulnerable Non-Self-Governing Territories that remain on the list.

The operative paragraphs of the draft resolution largely mirror those in the preambular portion, excepting the modifiers used. The language in this portion of the draft resolution, however, includes timely and important changes from the previous year's resolution.

We support the spirit of the first and second operative paragraphs which encourage the expeditious facilitation of discussions between Guam and the administering Power. Discussions between Guam and the administering Power have been ongoing for over seven years and, frankly, we have not yet seen substantive progress. We do have verbal commitments - which we believe are in good faith - that the current administration will move forward quickly with its review. Indeed, these matters were discussed only last week by the Guam Commission on Self-Determination and the Secretary of the Interior of the administering Power, the Honourable Mr. Bruce Babbitt. It is clear that we do not have the luxury of talk without action. We are a patient people, but time is running out. The failure of the administering Power to move quickly and substantively is likely to result in a rethinking of the current processes.

We have been extremely patient over the past few years, and we are prepared to await the conclusion of a process within the administering Power which would facilitate a framework for expeditious discussions. Based on our good-faith discussions with the Secretary of the Interior, we believe that significant policy changes on the part of the administering Power are imminent. Certainly, by the time of the meeting of the Fourth Committee a clearer picture is expected to emerge. But though encouraged, we remain only cautiously optimistic until such time as results are apparent.

Operative paragraph 3 clearly stands on its own. The request of the administering Power to expedite the return of property and to safeguard the property rights of the people of Guam is a basic obligation of an administering Power. This is not a process which is to be mitigated by the laws and policies of a given administering Power, but is, rather, a fundamental right of a colonial people.

Likewise, operative paragraph 4 more completely expresses the obligations of the administering Power with respect to the political and cultural rights of the Chamorro people, as well as to immigration policies, than any language since the General Assembly resolution of 1989. We are very encouraged by the current language, which brings together the international obligation of administering Powers to recognize the political rights of colonized peoples and our specific situation in Guam.

As noted earlier, the role of a colonial people in exercising self-determination for its country is solidly based on international principles of decolonization. In our case, as a result of the immigration policies of the administering Power, we have been left with no option but to carve out, in the Guam Commonwealth Act, a specific role for the Chamorro people in exercising the right of self-determination for the Territory. This process was acted on by all eligible voters in Guam - the indigenous and the non-indigenous people alike - in recognition of the unique role of the Chamorro people in decolonizing their homeland. We took this course based on our own understanding of our situation and are reassured by international convention, which clearly establishes the process of self-determination and decolonization as a right of colonized peoples.

The operative paragraph 6 is perhaps somewhat overstated. In urging the administering Power to continue to assist the Territorial Government in crime prevention, the language seems to ignore the fact that the efforts of Guam's own criminal justice system operate more efficiently in terms of apprehending and processing offenders - and confront less criminal activity - than in areas of a similar size within the administering Power. Naturally, we welcome any assistance that is suited to our requests and requirements. But more fundamentally, we believe that given our low crime rate - compared to similar areas within the administering Power - and our demonstrated efficiency in apprehending and processing offenders, we are best suited to determine the nature of our cooperation with the law enforcement authorities of the administering Power. For your review, Mr. Chairman, a profile of crime rates in Guam between 1985 and 1993 is attached.

On the final operative paragraph, we would call to the Committee's attention the fact that - in addition to the recent resolution of the Guam Legislature requesting a Visiting Mission - we have always offered an open door to United Nations officials. On numerous occasions we have been honoured to host Visiting Missions and officials of this Committee who have been in our part of the world. Our door has always been and will continue to be open to any process that enhances United Nations understanding of the situation in Guam.

In closing, allow me again to extend our deepest appreciation to this Committee and to its Subcommittee for the continued attention given to the situation in Guam. Your work on this year's resolution is especially noteworthy, particularly in the light of the demanding complexities of the situation in Guam. We look forward to continuing to work with the Committee and with other organs of this body in providing input on the situation in Guam. At this time, I would be honoured to respond to any questions you may have.

The Chairman (interpretation from Spanish): Do any of the members of the Committee have any comments or questions?

Mr. Ardhaoui (Tunisia) (*interpretation from French*): Following the statements made by Ms. Jackson and Ms. Pangelinan, I would like to say a few quick words in my capacity as Chairman of the Subcommittee on Small Territories, Petitions, Information and Assistance.

But first, since this is the first time my delegation is speaking here, it is my agreeable duty to tell you, Mr. Chairman, how pleased my delegation is to see you presiding over the work of this Committee with such experience and skill.

Before going on to the subject matter at hand, I would also like to follow up on your words of welcome to Mr. Abrous, the new Secretary of our Committee. I, too, would like to say that we are most pleased to see him in our midst, because - for those who do not know him - Mr. Abrous has a long history in decolonization work. He was a pioneer in the decolonization of his country, Algeria. He was also a pioneer in post-colonial nation-building as one of the first staff members of the Algerian Ministry of Foreign Affairs. Subsequent to that he worked for a long time in the Organization of African Unity (OAU). Thus he has substantial experience indeed in the field of decolonization.

I would like to thank Ms. Jackson and Ms. Pangelinan for the kind words they addressed to the Subcommittee and its work, even though in their statements we also heard some reproaches.

The work of the Subcommittee may seem inadequate; indeed, it does have some imperfections. But the Subcommittee works with what is at hand, and relies on the efforts of the Secretariat to provide it with the necessary elements for evaluating the situations in the various Territories, such as the United States Virgin Islands and Guam.

The Subcommittee has always confronted a dual problem, dual because there is, first, a problem of absence - the absence of dialogue between the Subcommittee and the administering Powers. With the exception of one or two administering Powers that do us the honour of coming to our Subcommittee meetings, all the others are absent.

Clearly, this is a warning bell which the Committee is unable to hear or understand, and therein, perhaps, lie the defects in the Subcommittee's work. I mentioned that the problem is a dual one. There is an absence of dialogue, but there is also an absence of visiting missions, as our two illustrious guests pointed out. The General Assembly clearly intended United Nations visiting missions to the Non-Self-Governing Territories. The administering Powers obviously have the right to express their opinions on these visiting missions, but there is a conflict here between the decisions and instructions of the General Assembly and the positions of the administering Powers.

I think that, in this connection, we have to adopt a clear position which takes into account the General Assembly's instructions and the - perhaps also legitimate - positions of the administering Powers. In that respect, I should like to congratulate you, Sir, for having kindly distributed a draft resolution on visiting missions and recalling these problems.

That is what I wished to say. I should like to add that the Subcommittee is always prepared to work properly, but that this depends upon the cooperation of all, particularly that of the administering Powers.

The Chairman *(interpretation from Spanish):* I believe that the statement of the representative of Tunisia is a valuable contribution to the work of the Committee.

If no other member wishes to comment or ask questions on the statement made by Ms. Pangelinan, I should like to thank her for the very precise and comprehensive information she offered to the Committee.

Hearing of petitioners

At the invitation of the Chairman, Mr. Don Parkinson, Ms. Marilyn Manibusan, Mrs. Hope Cristobal, Mrs. Marianne Rios and Mr. Ronald Teehan took places at the petitioners' table.

The Chairman *(interpretation from Spanish):* I now call on Mr. Parkinson.

Mr. Parkinson: My name is Don Parkinson. I am an elected Senator with the 22nd Guam Legislature. I have been a Senator with the Guam Legislature since 1983 and I am currently serving in my sixth term. I have been the Majority Leader in the Guam Legislature for seven and one-half years.

As you can probably observe, I am not Chamoru. I am a statesider. I was born and raised in the state of Idaho. In 1975, I came to the islands as a Staff Attorney to help draft a constitution for the Federated States of Micronesia at their Constitutional Convention. After the Constitutional Convention ended, I served one session with the Congress of Micronesia as an Assistant Legal Counsel. I then moved to the Non-Self-Governing Territory of Guam. I thought I would stay on Guam for a year or two as an Assistant Prosecuting Attorney. However, I fell in love with Guam and its people and wound up making Guam my home.

Since I have been in Guam, I have observed many changes in the attitudes of the people living there. I hope the representatives of the United States are listening carefully to what I am saying, because I think my observations as both an insider and an outsider to what is happening in the Non-Self-Governing Territory of Guam are very relevant and important. I hope that my observations are noted by any representatives of the United States Government present today, if there are any.

Later, Senator Manibusan and I will be delivering to the Committee Guam Legislative Resolution 299, which among other things requests that the United Nations send a fact-finding mission to Guam. I would like to point out that the resolution to which I and other speakers will be referring was unanimously passed, with all members of the Guam Legislature as co-sponsors. I understand that the Governor's representative testified today in support of the resolution. I would also like to point out that the support is totally bipartisan. The Governor is a Republican. The Democrats control the Legislature. Senator Manibusan is a Republican. I am a Democrat. The issues here today are non-partisan, and both the Legislative and Executive branches of the Government of Guam have manifested their strong support for the resolution to be presented later requesting a visiting mission to Guam.

It would seem as if the administering Power - the United States Government - has, during the last 15 to 20 years, embarked consciously upon a course of action which is designed to drive the people of the Non-Self-Governing Territory of Guam away from their traditional close ties to the United States and into independence. The administering Power has not treated the people of the Non-Self-Governing Territory of Guam fairly. But I am convinced that neither has there been a conscious desire on the part of high elected officials in the United States to treat the people of Guam unfairly. Rather, Guam has been ignored by the people in power within the administering Power. As a result, petty bureaucrats in the Department of Defense, the Department of Interior and other Departments in the administering Power have mistreated the people of Guam and have acted just as the petty bureaucrats in any colonial Power have traditionally acted when not deterred by higher responsible authority or political considerations - with arrogance and total disregard for the feelings or interests of the indigenous people.

The people of Guam have been treated unjustly as to their land, their quest for political status and their quest for Commonwealth. Most importantly, the indigenous Chamoru people have been mistreated and ignored in their quest for their ultimate right to self-determination.

Injustice breeds dissent. Injustice and dissent breed violence. Injustice, dissent, and violence breed revolution, ultimately resulting in blood running in the streets. Nobody in Guam wants to see this happen. However, as we have learned from the American Revolution; as we have learned from the Russian Revolution of 1917; as we have learned from the Cuban Revolution; as we have learned from the overthrow of the Somoza Government in Nicaragua; and as we have learned historically from countless revolutions, uprisings and changes of Government throughout the world, subjected or abused people will stand for injustice for only so long and then they will take action.

Had I appeared before the United Nations when I was first elected in 1993, many people would have branded me a communist in Guam. Many people would have said I was disloyal to the United States and there would have been a great deal of controversy surrounding my appearance before this Committee. However, much to my surprise when I announced that I was testifying before this Committee, the response was almost universally positive. It is critical to bring political pressure to bear upon the administering Power now, while there is still a possibility for peaceful solutions to the problems facing the Non-Self-Governing Territory of Guam in regards to land, commonwealth, political status, and so on.

This next comment is directed not only to members here but also specifically to any representatives of the United States seated in the audience today, if there are any. As an aside, the comments I have heard from various Committee members regarding the indifference of the administering Powers to the work of this Committee is indicative of the indifference that the administering Power has shown to the people of Guam in their quest for justice.

If the Administering Power does not take action on a political front to address the questions raised by the issues confronting the Territory of Guam at this time, there is a strong likelihood that in five to 10 years the people of Guam will opt for independence and that there will be violence as a result of various injustices perpetrated against the people of the Non-Self-Governing Territory of Guam.

The time to act is now. The people of Guam are, by and large, still loyal Americans, but they are frustrated. They cannot understand the indifference of the administering Power towards their plight. They cannot understand how the administering Power could permit the abuses which have occurred in the Non-Self-Governing Territory of Guam since the occupation in 1898. The people of Guam cannot understand why, after being granted United States citizenship in 1950, they are being treated as second-class citizens. They cannot understand why the administering Power continues to ignore our request for justice and for Commonwealth status when this was originally initiated at the request of a member of the United States Congress, Manuel Lujan, who later became Secretary of the Interior. The people of the Non-Self-Governing Territory of Guam cannot understand why the Chamorro people have never been allowed to exercise their rights of self-determination.

The United States has spent the last 50 years, since the end of the Second World War, playing Goody Two-shoes to the entire world, purporting to act as a protector of the poor and downtrodden in every corner of the Earth. If the administering Power is going to continue to be the watchdog of the world in order to ensure that its version of democracy, of political stability and of self-government is the inalienable right of every nation on Earth, then it should get its own house in order and get it in order now.

One of the two most pressing issues facing the indigenous residents of the Non-Self-Governing Territory of Guam is the issue of land takings by the administering Power. Most of the land taken by the Administering Power was taken after the Second World War, ostensibly for American defence needs. It is my understanding that the Committee, thanks to the work of the Organization of People for Indigenous Rights and people like Ron Teehan and Ron Rivera and Hope Cristobal, is fully aware of the circumstances of the land taking and the injustices thereof, such as the active role the military played in keeping land prices down right after the war, keeping the indigenous people from having access to attorneys and courts, intimidation and threats and so on and so on.

To paraphrase the late Chairman Mao Zedong of the People's Republic of China, power comes from the barrel of a gun. That was certainly the case with The Non-Self-Governing Territory of Guam in regard to the three Powers which have occupied Guam - Spain, the United States and, during the Second World War, Imperial Japan.

However, the people of the Non-Self-Governing Territory of Guam are a very kindly people and respect authority. Many Chamorros who lived through the Second World War had and continue to have great respect for the United States, perceiving the United States as having rescued them from the horrors of the Second World War.

I will not question for a minute that, as a relatively benign colonial Power, the United States, as the administering Power, has many good points, and many material benefits have accrued to the people living in Guam as a result of the close ties between the administering Power and the Non-Self-Governing Territory of Guam. However, being a colony is like being a slave. I do not think any of us in this room wants to be a slave, no matter how kind and how generous our master may be. I think everyone of us would rather be poor and free than to have wealth and material things while being the slave of another. Just as it is with human beings longing to be free, so it is with cultures, with countries and with indigenous peoples around the world.

On the other hand, in some ways the administering Power has not been particularly benign. We have the spectre of restricted access to the Non-Self-Governing Territory of Guam until 1962. We have the continued refusal of the administering Power to settle, or even address, the Chamorro right of self-determination, and we have the problems of the excess land issue and the refusal of the federal Government to return the land.

I should like to point out that I, perhaps, have a respectful disagreement with the wording of the draft resolution. The United States has been talking about returning excess land ever since I came to the island, and before. It has not returned any significant amount of excess land, if any at all, in the time I have been on the island. I think there were a few acres returned a number of years ago, but nothing significant. It is all talk and pretty words and nothing else, and I think the Committee should look very carefully at this language. That is one of the reasons I think we need a visiting mission in Guam. I am going outside of my written testimony now because this is something I have observed today. I think we need a mission to Guam to look into these issues and, specifically, to look into whether or not the administering Power is in fact making a good-faith effort to return the excess lands or is simply saying pretty words to the local people.

We have the total indifference of high officials in Guam as to the situation in the Non-Self-Governing Territory. We have the United States Navy's attitude towards the people and the Government of Guam, which is very indicative, along with the attitudes of the Department of Interior, of the colonial Administrations of yesteryear. The attitude of the colonial bureaucrats is that father knows best, the mother country knows best. The relationship with the Non-Self-Governing Territory of Guam appears to be primarily for the convenience of the mother country - the administering Power - to ensure a secure forward military bridgehead for the United States in the Pacific rim region of Asia. I would point out that the reasons for the United States to have colonies - this is an aside that came out of a conversation with one of the observers from Puerto Rico - is for military bases, not for economic gain, as was the case with perhaps the Spanish colonial empire and some of the European empires of the last century. The United States Government appears to be trying to milk the Territories not for economic potential but, rather, for military potential.

The United States has an abysmal record in dealing with the land issues of the American Indians. Likewise, the administering Power has an abysmal history of dealing with the Chamorro people and the land issues confronting them.

To summarize the land problem, the administering Power returned to the Non-Self-Governing Territory of Guam after the Second World War, and in one way or another took control of approximately one third of the land - approximately 180 square kilometres out of 540 square kilometres - and the situation has continued for 50 years. The administering Power has not used most of this land; rather, it has held it in reserve as idle land, in case of a need for a military build-up in South-East Asia.

Now, in addition to being an important military base in the Pacific, Guam is also designated as a refugee centre for any mass exodus of refugees from any point in Asia. It was used for this purpose, and quite successfully, during the Viet Nam exodus, when there was a change of power in South Viet Nam. At that time, the Non-Self-Governing Territory of Guam suddenly discovered itself home to several hundred thousand refugees. The people of the Non-Self-Governing Territory of Guam are a hospitable people and, like most of us, opened their doors to refugees in time of need. However, just as it would be inappropriate for me to invite house guests into your home, Mr. Chairman, so it is inappropriate for the administering Power to invite refugees into the Non-Self-Governing Territory of Guam.

Now, with the de-escalation of the cold war, the administering Power, along with many other Powers, is cutting back the size of its active army, navy, and air force. As a part of this phase-down, the federal Government of the administering Power has now conceded that much land in the Non-Self-Governing Territory of Guam that is held by the federal Government is excess to its needs and has indicated that there is no further reason, for the immediate foreseeable future, for military control of the land.

Notwithstanding the fact that the land is not needed by the administering Power for the foreseeable future, the administering Power has continued to throw up barricades to the return of this land to its rightful owners. The people of Guam deserve to have their land back. The administering Power does not see it that way. The administering Power wants the land to remain available and vacant for future military needs. Some of the recent ruses and shams that are being used to prevent the return of this federal excess land by the administering Power have included its being designated as a bird preserve, a bird sanctuary, a wildlife preserve and so on, giving the land to homeless groups, selling it to off-island developers, giving it to other agencies of the administering Power, making it a park, and so on and so on and so on.

Every time we seem close to getting this excess land back to its rightful owners the Administering Power comes up with another impediment to the land's being returned to the people.

It was because of this that I became involved and am taking up this fight, and requested the opportunity to petition the Committee today. When I heard that the administering Power was going to declare approximately one third of the island a wildlife refuge, bird preserve, bird sanctuary, or whatever one wants to call it, I became angry. I said "Enough is enough". The Administering Power has moused us around long enough. It is time that each and every elected official in Guam took a stand on this, and that is why I am here today. In reality, it is obvious from the record that the Administering Power does not want to give up control of the land, but, rather, wants to keep the land vacant so that there will not be a large population of indigenous people to be moved, if in fact the United States Government ever has to use its contingency plans for a massive troop build-up or refugee build-up in the Non-Self-Governing Territory of Guam. This is not fair to the Non-Self-Governing Territory of Guam; it is not fair to the original owners of the land; it is not fair to anybody - whether indigenous or not - living on the land.

The land issue is inexorably tied to the issues of political status, economic development and self-determination. Any political solution to the situation in the Non-Self-Governing Territory of Guam and to the Chamorus' right of self-determination are necessarily and indivisibly intertwined with self-determination and political status. As long as the administering Power continues to control one third of the land on the Non-Self-Governing Territory of Guam, without using it, there can be no peaceful political solution to the problems facing government of the Territory.

I would like to point out as an aside that very few people in Guam have been critical of the land's being used by the military Government. The criticism is of the fact that 95 per cent of the land that the Government took up after the Second World War has never been used for any useful purpose; it has sat vacant just in case it was needed in the future. That is my criticism, and it is the general criticism in Guam. There has been relatively little criticism about the land that is actually being used.

My next issue is self-determination. I am going to touch on this very briefly, because I think it is more appropriate for the issue of self-determination to be handled by people of Chamoru descent. However, I think my observations as a non-Chamoru may be relevant.

The Chamoru people never asked to be Spanish subjects. They never asked to be transferred like chattel property to the administering Power by the Spanish, pursuant to the Treaty of Paris. They have never had an opportunity to vote on the status that they desire, in accordance with various United Nations resolutions and Article 73 of the Charter. I recall that one United Nations resolution outlines some of the possible choices as acts of self-determination by the people of the Non-Self-Governing Territory of Guam, including independence, some sort of free association or semi-independence connected with some other nation, or integration into some nation, not necessarily the administering Power, as decided by the Chamoru people.

If the administering Power had recognized its obligations early on, after the formation of the United Nations, and after it signed the United Nations Charter, and had held a prompt vote on self-determination by the Chamoru people on the issue of political status, many of today's problems would not exist, and I would probably not be in front of this Committee testifying today, because Guam would not be on the list of colonies. Whatever the choice of the Chamoru people, this issue would have been resolved in a timely manner. in addition, we would not be faced with the situation of significant numbers of non-indigenous people permanently living within the Non-Self-Governing Territory of Guam. In 1950, 1952 and 1954 virtually no outsiders were permanent residents and voters in the Non-Self-Governing Territory of Guam; there were very few Statesiders, very few people of Oriental descent and very few non-Chamorus.

The population of the Non-Self-Governing Territory of Guam has swelled as a result of immigration from the Philippines, Korea, China, Japan and other parts of Asia, and to some extent from the mainland. Miss Pangelinan, representing the Governor, has pointed out some of these problems. There has been some immigration from the mainland by Statesiders, such as myself. As a result, there is a growing population of non-indigenous people in the Non-Self-Governing Territory of Guam who are feeling threatened and disenfranchised by the Chamorus' quest for self-determination. However, this is the right of the Chamoru people, just as it was the right of the Philippine people, just as it was the right of the Okinawan people, and so on, to make their own choices.

However, the longer the Administering Power waits, procrastinates and drags its feet on this issue of self-determination, the more dangerous and volatile the situation becomes. It is like not going to the dentist when one needs to. The situation only gets worse; it never gets better. A bad tooth never heals itself. Under the current status of the Non-Self-Governing Territory of Guam, any meaningful vote on self-determination must be initiated, or at least concurred in, by the Administering Power. As a Non-Self-Governing Territory of the United States, Guam is controlled by the United States Congress, pursuant to the Territories Clause of the United States Constitution, which is very broad in its powers. I call upon the United States, as administering Power, to resolve this issue, and to resolve it now, before the situation becomes so acute that much of all that the politicians of the Non-Self-Governing Territory of Guam have worked for for so many years is jeopardized. The Chamoru people deserve an opportunity to express their rights of self-determination through a peaceful vote now - not in 10 years, not in 50 years, but as soon as possible.

The third issue ties into the other two. That is Guam's political status in the American system. The Non-Self-Governing Territory of Guam is seeking a Commonwealth status with the administering Power similar to what was negotiated with the Commonwealth of the Northern Marianas a few years ago, and I think similar to what Puerto Rico has.

The impetus for the Commonwealth concept was initiated at a meeting called by Congressman Manuel Lujan from the United States Congress in Albuquerque, New Mexico, in 1983. He went on to become Secretary of the Interior, having direct control over the Territory, but was very negligent about taking steps to implement that which he had started. Many of the leaders of the Non-Self-Governing Territory of Guam attended the meeting. I did not. At Lujan's urging, the Non-Self-Governing Territory of Guam established a Political Status Commission to negotiate and work with the United States Government and come up with a plan. The outcome of this was the Commonwealth Act, which was submitted to Congress in February 1988.

I want to digress a minute. I want everybody to think of a very common situation in his or her country or in my country. Everybody here, or somebody we know, has at one time or another applied for a job that he or she really wanted. The employer smiles, says pretty words and is vague. He does not say "Yes, Henry, you can have a job" or "No, Sam, you can't have it" or "Linda, you are hired" or "Karen you are not hired". He smiles and says "Come back next week", and then he says "The guy making the decision is sick"; then one is given another excuse and then another excuse. The employers never tell the applicant that they are or are not going to hire him. They never tell him "We are not going to hire you" or "You are asking for too much money". They give him the run-around. As a result, because this is a job that the guy really wants, he waits - and he waits and he waits. Because he wants the job, and because the employer won't tell him "No", he waits and waits some more. He suffers, instead of going out to find another job, as he would do if he were told the truth that he will not be hired.

That is what is happening with the Non-Self-Governing Territory of Guam. It is now over six years, through three Administrations and numerous Congresses within the administering Power, that our Commonwealth Bill has languished. I would point out that the Bill would confer only an interim political status; it is not the final Act of self-determination. However there has been no meaningful negotiation. There have been many pretty words from smiling politicians in Washington, reminiscent of the pretty words that were said to the various Indian nations during the last century. Those pretty words have been every bit as empty as the pretty words given by Washington to the American Indian tribes a hundred years ago. As a result, Commonwealth is no closer to resolution now than it was in 1988.

The kindest cut is a sharp knife. Shakespeare was right. It is the prerogative of the administering Power to turn down Commonwealth. I do not disagree with the concept that the United States has the power to refuse our petition. That is negotiations. As unpleasant as it can sometimes be, having a request denied by another party during negotiations is a fact of life - it is just part of the process of good-faith negotiations.

However, if the Administration wants to turn down the Commonwealth Act, then the administering Power should turn it down. If the administering Power wants to come back and say it wants to negotiate on this point and that point, then that is its privilege. However, after six years, the United States simply utters pretty words with no substance, no progress, and vague positions on Commonwealth and related issues.

Trying to negotiate with the United States on Commonwealth is like trying to negotiate with a bowl of Jell-O. The position of the administering Power constantly shifts and moves. The players from the United States

Government constantly shift and move. We are negotiating with the United States Department of the Interior; we are negotiating with the United States Congress; we are negotiating with the task force; we are negotiating with a United States presidential representative who, we now find out, is going to run the Smithsonian Institution and drop his primary obligation to resolve the question he has undertaken to help resolve regarding Guam's political status.

The local Government of the Non-Self-Governing Territory of Guam is in an impossible situation. We have nobody to negotiate with and we are ignored. We get occasional pleasant visits from some high official of the administering Power, usually on his or her way to someplace else. They usually stop over in Guam for a two-hour refueling stop. We get many nice words but we get nothing more. In all fairness, the administering Power should quit ignoring the people of the Non-Self-Governing Territory of Guam and act on Commonwealth one way or the other.

If Commonwealth is not acceptable to the administering Power, tell us so. The people of the Non-Self-Governing Territory of Guam can go back to the drawing board. They can then determine if some other type of temporary interim status is more appropriate.

All of this brings me to another point to which I alluded a minute ago. The United States Government has pursued a philosophy that some of us agree with and some of us disagree with. Basically, it has taken the philosophical position that it is appropriate for a world Power such as the United States to interfere in the affairs of nations to protect what the United States perceives as the poor and the downtrodden; to protect against what the United States perceives as injustices. However, the United States finds it much more difficult to clean up its own backyard - with the American Indian nations and with the peoples of the Non-Self-Governing Territory of Guam and of Puerto Rico and of the Virgin Islands and the other Non-Self-Governing Territories and quasi-colonies of the United States - than to right the wrongs that it perceives are being committed by other Governments.

It is time for the administering Power to get its house in order and correct the injustices in the Non-Self-Governing Territories - not only the injustices in the Non-Self-Governing Territory of Guam but the injustices in the other Non-Self-Governing Territories and the injustices perpetrated by the United States Government against the Indian nations unfortunate enough to be located within the territorial boundaries claimed by the United States. I sincerely hope that the other Non-Self-Governing Territories of the United States, including the Indian nations which have been recognized by treaty as foreign nations come forward to this Committee to request relief and to bring pressure to bear upon the administering Power to provide justice.

Let us talk about justice. I remember, in law school, taking a course on jurisprudence and philosophy in which we debated the question of what is natural justice. After many years as an active politician and as an attorney, I think justice in simply one person treating another person fairly or one nation treating another nation fairly. That is all the people of the Non-Self-Governing Territory of Guam have ever asked for from the administering Power: fair treatment; do not ignore us.

The Chamorro people have never had widespread objections to the United States people using the land actually being occupied and utilized for military bases. They have strongly objected to the administering Power taking land that the administrating Power did not need and keeping it unused for many years. That is injustice.

By and large, for many years most of the Chamorro people have considered themselves loyal Americans. However, as an outsider who has lived on Guam for 18 years, I can tell the Committee that that perception is changing. The move of the people of Guam away from the United States is obvious. The attitudes and the changes in attitude are very obvious not only among the indigenous people but also among many of the non-Chamorro people who have chosen to make Guam their home. I think I have outlined some of the things that I perceive as serious injustices. Other speakers before and after me have outlined and will outline other perceived injustices.

The bottom line is this. When people are not treated fairly -be it for religious reasons, for race, because they are an indigenous people, or for any other reason - when they are treated unfairly and unjustly this breeds discontent, it breeds anarchy, it breeds hate, it breeds revolution, and it breeds all of the precursors of war and all the things that this body of the United Nations is designed to prevent. We need to make the world a better place to live, and we can do this only by being fair to our neighbours and to our friends. It is time for the administering Power to take a close look at its relationship with the Non-Self-Governing Territory of Guam and to start looking at fairness, not at what is necessarily best for the administrating Power.

The United Nations is currently doing good work attempting to keep the peace around the world in places like Rwanda, Somalia, the former Yugoslav Republic and various other parts of the world. At this time, on behalf of my constituents, I am asking the United Nations to take an active role in the situation in Guam before we reach the point of no return, resulting in violence, destruction, death and revolution. This is a unique opportunity for the United Nations to nip an unjust and potentially violent situation in the bud, before it explodes.

I am here today to plead with members to use their influence on the United States to resolve this issue. Let us work together to avoid bitterness, hatred, bloodshed and a required military presence by the United Nations.

It gives me great pride to present a resolution from the Legislature of the Non-Self-Governing Territory of Guam, unanimously approved on 24 June 1994, inviting the United Nations to send a fact-finding mission to Guam and requesting the administering Power to take all steps necessary to coordinate and implement such action. Perhaps this is the first step in getting the powers that be within the administering Power to realize that the Non-Self-Governing Territory of Guam is not just a backwater or a minor irritant, but that people of the Non-Self-Governing Territory of Guam demand their right to be heard and to be taken seriously in negotiations for commonwealth, in Guam's quest for justice in the return of land taken by the administering Power to the proper and rightful owners, and with respect to resolving the issues of self-determination. I stand ready to do anything I can do in my position as majority leader of the twenty-second Guam Legislature to facilitate the United Nations visiting mission to Guam. I know most of my colleagues feel the same way.

We are desperate. We are at our wits' end. The indigenous Chamorro people have not been shown the respect and courtesy they deserve. The Government of the Non-Self-Governing Territory of Guam and the people living on our island, of every type and description, have not been extended courteous treatment. The United States has treated every person living in the Non-Self-Governing Territory of Guam with indifference, benign neglect and arrogance. As a result, the situation in the Non-Self-Governing Territory of Guam is rapidly changing as we move from the mainstream of peaceful politics, to the fringes of radicalism, to the cry for independence, to *el Grito*.

The people of the Non-Self-Governing Territory of Guam are begging for a political resolution to these problems. We want a peaceful solution. The people of Guam do not want violence. Everybody wants a peaceful solution.

I would like to point out that I am not here today representing any ethnic group. I am not here today espousing any position as to what the ultimate political status after the act of self-determination should be for Guam. Rather I am here to beg for justice for all of my constituents. The people of Guam, indigenous and non-indigenous, find Guam a peaceful place to live, with a loving community with a harmonious multiracial community that makes Guam a very pleasant and in some ways unique island to call home. I do not think any one of us wants this to change. I think everybody agrees that the excess land should be given back to the rightful owners by the Administering Authority.

I think more and more people are understanding the rights of the Chamorro people to have a vote on self-determination. This right must be respected and must be accomplished some time soon. I do not see at this point any irreconcilable differences between the Chamorro people and the non-Chamorro people. I do not see this in the future. Rather I see a problem of the entire community of all ethnic groups changing their position in regard to the actions of the United States. The administering Power has treated the people of the Non-Self-Governing Territory of Guam in many instances in a totally disgusting manner, and this must be addressed.

In addition, I am submitting a copy of Resolution No. 93, which was adopted by the Guam Legislature on 9 June 1993. Resolution No. 93 requests that the United States Government reverse the process for determining as excess all remaining Federal lands in Guam not yet determined as excess and mandating that the United States military precisely determine what lands are needed to support the local military mission using standard basing requirements, and further requests that land beyond military needs be returned to the people of Guam.

On 6 July, Senator Manibusan and I held a public hearing to collect testimony and input from the people of Guam for this hearing today. All groups on the island which we could identify that had expressed an interest in the subjects raised by my testimony were invited. In addition, a notice was placed in the local newspaper for two days inviting the general public to testify. I am today submitting with my testimony and have attached thereto copies of written testimony received from persons and groups not represented here today, including David Sablan, Council of Elders of the Chamorro Nation; Mr. Vicente U. Garrido; and University of Guam Associate Professor Richard H.J. Wyttenbach-Santos and his wife. In addition, I am attaching the transcript of the oral testimony of Dr. Bernadette Dungca, who had no written testimony but who very eloquently described being a Chamorro woman and the plight of the Chamoru people. Unfortunately, we did not have time to transcribe any other part of oral testimony given at that hearing; however, all of it was in favour of our group's coming to the United Nations and to the intent of the testimony that Senator Manibusan and I are giving today. I am also attaching Guam Legislative Resolution 93, which I feel is relevant.

In closing, on behalf of the people of Guam and as majority leader of the 22nd Guam Legislature, I am again seeking the assistance of the United Nations to help Guam and the administering Power peacefully resolve the questions raised here today concerning the Non-Self-Governing Territory of Guam. Please carefully consider Guam's unanimous request by the Legislature - with which the Governor of Guam concurs - for a United Nations fact-finding mission to visit Guam at the earliest possible date. I would also strongly urge the Committee to carefully examine any attempt by the administering Power to remove Guam from the list of Non-Self-Governing Territories, noting once again that the proposed Commonwealth Act is not an act of self-determination but is only an interim status until such time as the Chamoru people have had an opportunity to exercise their right to self-determination, in accordance with Article 73 of the United Nations Charter and relevant United Nations resolutions.

In closing, I beg the indulgence of this body to seriously consider the testimony today and to take all steps possible to help the people of the Non-Self-Governing Territory of Guam resolve this issue. I am grateful for the opportunity to present my testimony. With the leave of the Committee, I should like at this time to ask Senator Manibusan and the Governor's Representative to assist me in presenting to the Chairman and to the Committee Resolution 299, unanimously passed by the Guam Legislature on 24 July 1993 and co-sponsored by all members, inviting a United Nations Mission to visit the Non-Self-Governing Territory of Guam.

The Chairman *(interpretation from Spanish):* I thank Mr. Parkinson for the extensive information he provided us regarding the situation in Guam. Does any member of the Committee have any comments or questions for Mr. Parkinson?

Mr. Samana (Papua New Guinea): I should like to express my appreciation for this opportunity to comment on the most informative presentations made by Mr. Parkinson on behalf of the Guam Legislature and by the representative of the Governor's Office, Ms. Pangelinan. These reports will assist the Committee in considering the future of Guam and the question of its self-determination.

My delegation has listened attentively to the petitions presented. As we are also from a small island State of the Pacific region, we share the sentiment, so critical to the survival of a population in a small island community, of the importance of land, which was so clearly stressed in the presentations. Indigenous people, without land ownership or the power to exercise their rights over it in terms of their survival, have no existence. They lack control; they lose their future. Land is thus a central and key issue. Therefore the question of self-determination, as presented so accurately by Mr. Parkinson and by the representative of the Governor of Guam, is integral to the issue of self-determination.

My delegation endorses this important question, as raised in the petition, and supports the general consensus by the presenters that the United Nations make a greater effort to consider not only the question of sending a United Nations mission to the Territory concerned but also the issue at stake. I would also emphasize the issue of land, which is so important and constitutes an integral part of the question of self-determination.

The Chairman *(interpretation from Spanish):* Does any other member of the Committee wish to take the floor? Since that is not the case, we would like to thank Mr. Parkinson for the exhaustive information he provided. We express our appreciation for the work that he is accomplishing in Guam, and we have been most encouraged by his participation in the work of our Committee.

The petitioner withdrew.

The Chairman *(interpretation from Spanish):* I now call on Ms. Manibusan.

Ms. Manibusan: I am Marilyn Manibusan, a Senator in the Guam Legislature for the past 10 years and for the past 12 years the representative of the Legislative Minority to the Guam Commission on Self-Determination. I greatly appreciate the opportunity afforded me to present comments on the issues confronting Guam as this Committee prepares to forward its recommendation on a resolution to the General Assembly.

I shall begin by outlining the state of Guam's political relationship with its administering Power and alluding to the myriad effects this relationship has on the people of Guam. In the interests of brevity, I will try to summarize and abbreviate some of my testimony today.

Guam is, by any other name, a colony of the United States. This is as true in the legal framework of the administering Power as it is here at the United Nations.

Being a colony is, in itself, disturbing enough: colonialism is a crime, a violation of individual human rights and of the collective rights of a people to control its culture, resources and destiny. Colonialism is bad enough. But in the case of Guam, its effects are compounded by the continuous actions of the administering Power to disrupt the demography of our homeland and hold our resources in abeyance. Added to this continuous abrogation of our rights is the administering Power's complete disregard of the issue of altering our colonial status. What we have, then, is a colonial Power exercising unilateral rights without as yet having taken any apparent action that would demonstrate its intention to rectify its violations of fundamental human rights.

Since 1898, the only proposal to alter Guam's colonial status has come from Guam. Until 1980, leaders in Guam attempted to better our people's status within the framework of the existing political relationship. But in 1987 the people of Guam ratified a proposed Commonwealth Act which provided for a process that would recognize the right of the Chamorro people to decolonize their homeland. In the interim, as a transition, Guam would have a Commonwealth relationship that would change many existing standards and give Guam the right of consent to the application of the legal standards of the administering Power. The important fact is that this proposal - Guam's proposal - is the only one ever placed on the table that would establish a process to decolonize Guam. Despite its obligation, the administering Power has never offered a proposal that would redefine Guam's status or decolonize our homeland.

The response of the administering Power has been less than acceptable. In the past decade, we in Guam have attempted to work with different administrations of the administering Power. In late 1993 - despite the colonial attitudes of the previous administration - our hopes were high with the appointment of a highly regarded Special Representative to deal with our quest to change our political status. Since that time, however, we have received no concrete commitments. We wish the United States Special Representative well, but many of us are ceasing to believe that the administering Power will in fact do anything of substance to address Guam's needs.

The administration of President Clinton has demonstrated more interest in understanding the obligation of the United States to decolonize Guam than any previous administration, but we will have to see tangible results before we can express anything but cynicism about the administering Power's official intentions. I hope that I am proved wrong, but the continuing record of the administering Power in abrogating our cultural and resource rights while producing nothing in response to our proposal regarding our political status does not produce much optimism. The time is coming when we will have to judge whether or not the administering Power intends to respond reasonably to our present proposal, and at that time we will have to examine other options if we judge the administering Power's response to be unsatisfactory. We cannot wait forever while the administering Power does nothing.

The administering Power continues to examine our proposal, but they have offered us nothing substantive that would satisfy us. In fact, the administering Power continues a programme of immigration that places the indigenous Chamorro people in the position of becoming a shrinking minority in their homeland. This activity on the part of the administering Power is in direct contravention of the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples - paragraph 8 of the annex to United Nations General Assembly resolution 35/118. While we are pleased that last year's resolution on Guam took note of the situation with respect to the impact of immigration in Guam, it should also be noted that the administering Power has done nothing to curtail its immigration activities.

So that my meaning is not mistaken, there is little evidence of overt hostility to immigrants in Guam. Some immigrants choose to take up permanent residence on our island, but unfortunately most merely use our island as a stepping stone to other destinations under the jurisdiction of the administering Power. In 1990, over half of the residents of Guam were not born in Guam, and of this group over half had come to Guam since 1985. For the people of Guam, the question of immigration is not one of anti-immigrant feelings, but is, rather, a question of how to manage our resources in a manner consistent with our long-term requirements and our socio-cultural goals as a community.

The administering Power's immigration policies, however, have led us to require that in the process of self-determination, the "self" be clearly identified. This approach is clearly consistent with all writings that discuss the issue of self-determination in a colonial situation. Clearly, the right of self-determination in a Non-Self-Governing Territory does not extend to all immigrants and settlers introduced there by the administering Power.

In the Commonwealth Act - voted on by all eligible voters in Guam - we have laid out a process whereby the Constitution of Guam will establish a mechanism providing for the indigenous Chamorro people to exercise self-determination. This act of self-determination will lead to a decolonized status for Guam consistent with General Assembly resolution 1541 (XV).

It is critical to note that the act of indigenous self-determination - an exercise pursuant to the Commonwealth Act - will lead to Guam's decolonized status. For this reason, it is important that the text of the resolution on Guam include specific references to an act of indigenous self-determination as the vehicle that validates Guam's decolonization.

If this process sounds confusing, rest assured that it is. However, we in Guam would not be obliged to require that the "self" in "self-determination" be qualified were it not for the immigration policies of the administering Power. To confuse the issue even further, the administering Power - while continuing with its immigration practices - has attempted to apply misdirected internal constitutional and policy standards to the Chamorro people's right to self-determination. This is, of course, absurd on several counts. First, the colonial power's attempt to stack the deck as regards self-determination is a gross violation of international standards. Secondly, the internal constitutional processes of an administering Power are not a legitimate basis for denying an international obligation or basic human rights.

The issue of Chamorro self-determination, I would suggest, requires special emphasis in the resolution on Guam. This is not an internal matter exclusively overseen by the administering Power; it is a right of the colonized people of Guam - that people being the Chamorro people.

Allow me to touch on one final issue - a very sensitive one - which continues to be problematic because of unilateral actions by the administering Power. The issue is that of war reparations for the Chamorro people.

Later this month, Guam will commemorate the fiftieth anniversary of the tragic and heroic events surrounding the island's Japanese occupation during the Second World War and the subsequent American reoccupation. However, a deep sense of injustice prevails. While the people of Guam commemorate the loved ones lost in the period when the island was a battleground in a war between two world Powers and recall the heroics of countless Chamorros who struggled to survive that period, the issue of war reparations will remain unresolved.

The reason that this issue remains unresolved is because of the actions of the administering Power in annulling the obligation of the Government of imperial Japan for reparations, which in Guam are related to executions, physical brutalities, forced march and mass internment. Without exception, every Chamorro family was affected.

Having forgiven the obligation for reparations, the administering Power itself *de facto* assumed the obligation. This responsibility, however, remains unfulfilled. The injustices perpetrated against persons have been recounted on numerous occasions in attempts to help the administering Power understand, but these actions have been marked only by a couple of Congressional hearings in the past 50 years and then silent indifference. Perhaps it is expecting too much to anticipate good-faith actions on the part of the party which dismissed the claims of a people brutalized, but it is important that this issue be raised to demonstrate the difficult position we as a colonized people face.

In the eyes of the administering Power, Guam is a possession whose past and future has validity only in terms of the designs and internal legal mechanisms of its own Government. Yet, under the laws of the administering Power, we are not permitted to participate in the decisions of the nation as a whole nor in the decisions of the administering Power which affect us. We are told that we are treated no differently than a State of the union when it comes to issues such as land return, immigration, or ocean resources. This is of little benefit to us while our land remains held beyond our control, our island impacted by massive demographic changes and its living and non-living resources utilized by the foreign and internal interests of the administering Power.

While we are so often told to be satisfied with treatment similar to that received by parts of the administering Power's Union, our legal status under the administering Power explicitly excludes us as a part of that Union. Our request for status change has moved slowly, as though our requests for rights and dignity are an affront to the notion of rights themselves. While the administering Power keeps our future in limbo, our social, cultural and economic future weighs in a balance that limits our progress. We point to the fact that, as noted in the resolution, a period of 15 years has elapsed since a United Nations mission last visited the Territory. I join - we join - in the call upon the administering Power to facilitate the dispatch of such a mission as early as possible. I take this opportunity now to thank this Committee and the Subcommittee on Small Territories for their attention and responses to all testimonies and petitions from Guam by witnesses in the past years.

It is time that the situation in Guam be examined more closely by this body. Of the remaining Non-Self-Governing Territories, Guam is one of only a few which have advanced the processes for decolonization. As someone who has felt and continues to feel the frustration and anguish of our people for more than a decade in my capacity as their representative in the Legislature, I appeal to each and every member here to please take note of our plight as our struggle continues. I thank them for this opportunity to present this statement on behalf of the people of Guam, whom I have the privilege and honour to represent here today. I would be pleased to answer any questions which members may have.

Mr. Keita (Mali) *(interpretation from French):* Mr. Chairman, Since this is the first time I have spoken, I should like to associate my delegation with the statement of the Chairman of the Subcommittee extending his kind and well-deserved words to you, Sir.

I do not have a question for Ms. Manibusan. I simply wonder whether the texts of the statements made by the petitioners might be made available to members of the Committee. If we cannot have all of them from the Secretariat, might we not at least have some in the future, unless of course this has already been arranged for.

We take this opportunity to say that we have been furnished with valuable information by the petitioners - information which was not always available to us - and it is quite normal, in studying these texts, that we should very much like to have them put on file so that we can use them for the discussion next year. We hope that the aspirations of Guam, the Committee and the United Nations will be realized and the question resolved before next year, for their sakes as well as our own.

The Chairman *(interpretation from Spanish):* The Secretariat has received copies of some of the statements that have been made and has distributed them in the order in which they have been received. Indeed, we believe that the importance of testimony and the exhaustive information it contains make it vital that all statements be distributed, and this will be done. All statements made are reproduced in the verbatim records of the Committee in all languages.

We fully understand how important this testimony is and we know that it must be set down in the verbatim records of our Committee's proceedings. That is the very purpose of our work and furthermore is what we are duty-bound to do with the valuable testimony furnished by the petitioners. We agree with the assessment of the representative of Mali and we will be distributing copies of the testimony of the petitioners. It will also be recorded in the verbatim records of our Committee.

The petitioner withdrew.

The Chairman *(interpretation from Spanish):* I call on Ms. Cristobal.

Ms. Cristobal (Organization of People for Indigenous Rights): I should like to acknowledge the statements of the two Chamorro women who spoke before me, very strong Chamorro women, and I want to congratulate Ms. Lourdes Pangelinan and Senator Marilyn Manibusan for their statements this morning. As strong Chamorro women of Guam, we represent a strong voice.

My name is Hope Alvarez Cristobal. I am the Chairperson of the International Networking Committee, and with me today is Mr. Ron Rivera, Chairperson of our organization. We wish to express our sincerest appreciation for the opportunity to appear before the Committee today and commend it for its steadfast and unrelenting commitment to the ending of colonialism throughout the world.

The Organization of People for Indigenous Rights is a community-based, non-governmental organization whose existence is dedicated to seeing that the right of the Chamorro people of Guam to self-determination and decolonization of the Chamorro homeland is exercised. Our dedication to Chamorro self-determination remains unfaltering and is widely supported. Since our organization formally began in 1981, we have witnessed the issue of Chamorro self-determination emerge from virtual obscurity and confusion to become one which was adopted by the voters of Guam and which remains the cornerstone of Guam's political-status drive. Chamorro self-determination is now an issue which receives overwhelming support from Guam's political leaders and the community at large.

The Organization of People for Indigenous Rights has appeared before the Special Committee on numerous occasions with regard to our situation in Guam. Today's appearance holds special meaning for us in view of the presence of the representatives of the Governor of Guam for the third consecutive year and because of the initial appearance of two Senators of the Guam Legislature. Our organization is pleased that the leaders of Guam's Government have remained steadfast in their support of Chamorro self-determination despite considerable objections, particularly as represented by the administering Power.

Our position, without reservation, is that colonialism in all its forms and manifestations is an international crime. Colonialism's characteristics of criminality are clearly reflected in the impact on colonial people. Colonialism universally, and in Guam, results in the following: first, the denial of the colonized people's freedom to determine their destiny; secondly, the denial of colonized people's freedom to determine how they wish to be governed; thirdly, the confiscation and exploitation of the natural resources belonging to the colonized people; fourthly, the fact that the colonial peoples participate least in and benefit least from the economic system designed and controlled by the colonizer; and, fifthly, to ensure the aims of the colonizer, programmes and policies developed and promoted to achieve cultural disintegration and historical disconnection.

The profound impact of colonialism on a colonized people demands special consideration by the international community. Today the Special Committee has far fewer Non-Self-Governing territories to examine than when it was established, but the work of overseeing the completion of the task of decolonization is no less relevant to the remaining peoples whose destiny is unilaterally controlled by colonial Powers.

As we have noted in previous presentations to the Special Committee, Guam's proposed Commonwealth Act, now before the Government of the United States for consideration, is not an act of self-determination. The draft Guam Commonwealth Act, if ratified, will alter the current relationship between the people of Guam and the administering Power by establishing an interim political status which would grant internal self-government, albeit still limited. More importantly, the Commonwealth Act also calls for the decolonization of Guam through a recognition of the inalienable right of the Chamorro People to exercise self-determination for their homeland. It is the Chamorro people who are colonized and it is only the Chamorro people who can engage in a legitimate process of decolonization.

We clearly recognize that the Guam Draft Commonwealth Act does not fully meet the guidelines and principles of decolonization outlined in United Nations General Assembly resolutions 1514 (XV) and 1541 (XV) and the 1980 United Nations Plan of Action. These principles and guidelines, in the case of Guam, can be met only through the exercise of Chamorro self-determination. We are emphatic and resolute in our opposition to the administering Power's insistence that any changes in our colonial status must fall within the parameters of its national Constitution and within the narrow confines of its military and economic interests. In imposing such conditions, the administering Power fails to recognize and respect the integrity of the decolonization process as outlined by the United Nations. Furthermore, the administering Power denies the fact that we are not full and integrated members of its national union and that the application of its national Constitution, absent full and equal membership in its union, represents the continuation of a colonial system in Guam.

We stress this area of concern to ensure that no one misunderstands the nature of the current process of change in our political status now being proposed in Guam. We fear that through misunderstanding this current process, the Special Committee is led to believe that a legitimate process of decolonization will occur and that Guam may now be removed from the list of Non-Self-Governing Territories. To take such action would deny the Chamorro people the single most important, if not the only, process towards decolonization.

Immigration is a critical issue related to Chamorro self-determination and requires serious consideration leading to decisive actions. This issue relates to the wholesale and unilateral application of the administering Power's national immigration policy in Guam. United States immigration law as applied in Guam has resulted in the Chamorro people's becoming a minority in their homeland. Whereas in 1940 Chamorros comprised 90 per cent of the general population of Guam, in 1990 the

Chamorro people represented 43 per cent of Guam's total population. An alarming outcome of the administering Power's immigration policy in Guam is reflected in the fact that by 1990 over half of Guam's population of 133,000 was not born in Guam. Of the 50 per cent not born in Guam, 63 per cent immigrated to Guam after 1985. Although Chamorros represent a plurality in Guam's population, our numbers continue to decline proportionately, resulting in our displacement and disintegration in our homeland. These serious changes in the demography of our Chamorro homeland are central to what has forced us to define the "self" in "self-determination".

We point out that the administering Power's imposed immigration policies in Guam represent a contravention of relevant United Nations resolutions on decolonization and in particular the 1980 Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 35/118). Specifically, contrary to paragraph 8 of the Plan of Action, United States policy has resulted in the systematic influx of outside immigrants and settlers into Guam, has disrupted the demographic composition of Guam and constitutes a major obstacle to the genuine exercise of Chamorro self-determination.

A significant impediment to decolonization centres on the land tenure policies which the administering Power has applied in Guam. The administering Power has confiscated an inordinate amount of land for its exclusive use by unilaterally imposing its legal system as it relates to land. The areas of Guam land of which the administering Power has availed itself constitute one third of the entire land mass of our homeland. What is clear is that, irrespective of the need for these lands, the administering Power used its unfettered and unchallenged powers to seize these properties.

The specific actions of the administering Power with respect to land are well documented. Initially it utilized the justification of national defence and world peace to confiscate and hold our lands. For almost 50 years they were held based on worst case scenarios and contingencies. Today, in the absence of these justifications, the administering Power has engaged in creative and innovative justifications to keep our lands - for example, wildlife refuge designations, national parks and other United States federal agency needs. We find that, whether in war or in peace, the administering Power's appetite for land becomes no less ferocious. The interest of the administering Power is paramount when dealing with land tenure policy in Guam. This is obviously in violation of a legitimate decolonization process, which requires that people under colonial rule retain control of, and dispose of, their natural resources freely and without interference.

We strongly support the proposed resolution before the Special Committee, as it is currently drafted. Our support extends to references in the resolution in the following areas: first, recognition of the right of the indigenous Chamorro people to self-determination for the Territory; secondly, the call for a reform in the programmes of the administering Power with respect to the thorough and expeditious transfer of property to the people of Guam; thirdly, recognition that immigration into Guam has resulted in the indigenous Chamorros' becoming a minority in their homeland; fourthly, the call upon the administering Power to conduct expeditious negotiations with the territorial Government on the draft Commonwealth Act and on the future status of the Territory; fifthly, the call on the administering Power to expedite the transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights; sixthly, the call on the administering Power to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people and to respond to the concerns of the territorial Government with regard to immigration issues; seventhly, the call upon the administering Power to facilitate the dispatch of a visiting mission to the Territory as early as possible; and, eighthly, the call upon the administering Power to facilitate the participation of the people of Guam in international organizations.

We urge the Special Committee to recognize that the draft Guam Commonwealth Act represents an interim political status as an initial step towards self-determination. By such recognition, Guam will be retained on the list of Non-Self-Governing Territories, and the application of General Assembly resolutions 1514 (XV) and 1541 (XV) will continue to take effect.

We strongly recommend that the Special Committee take serious account of the recommendations of the various regional seminars relative to the International Decade for the Eradication of Colonialism. Such recommendations include the enhanced participation of representatives from the Non-Self-Governing Territories in the United Nations process of decolonization. Further, there is a call for funding and more direct efforts at the dissemination of information to peoples in Non-Self-Governing Territories relative to their rights and legitimate options as well as the expressed desire for the United Nations Secretary-General to play a more direct role in the decolonization process and to make personal visits to the remaining Non-Self-Governing Territories in order to facilitate the eradication of colonialism by the year 2000.

We must reiterate our commendations to all members for their diligent efforts on our behalf as the people of the Non-Self-Governing Territory of Guam. Their continued diligence is vital to ensuring that a legitimate process of decolonization is actualized in our homeland.

Again we thank the Committee for the opportunity to appear before it today. I am willing to answer any questions. "Si Yu'os Ma'ase'."

The petitioner withdrew.

Requests for hearing

The Chairman *(interpretation from Spanish)*: This morning the Committee received a request from Mr. Tony Artero of Guam, who wishes to appear before the Committee in a personal capacity. If the Committee agrees, I propose to call upon him this afternoon, as there are still other petitioners from Guam to be heard. May I take it that the Committee agrees?

It was so decided.

The Chairman *(interpretation from Spanish)*: The Committee will recall that in *aide-mémoire* 15/94, Mr. Corbin of the United States Virgin Islands asked to appear before our Committee. We have received no comments in this regard. Accordingly, the members of the Bureau have decided to invite Mr. Corbin to speak as representative of the Governor of the United States Virgin Islands. I take it that the Committee agrees.

It was so decided.

The meeting rose at 1.15 p.m.

United Nations

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General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1432nd Meeting

Monday, 11 July 1994, 3.00 p.m.
New York

Acting Chairman: Mr. Remirez de Estenoz Barciela . . . . (Cuba)

The meeting was called to order at 3.20 p.m.

Question of Guam

Hearing of petitioners

At the invitation of the Chairman, Mr. Ronald Franquez Teehan (Guam Landowners Association) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish)*: I call on Mr. Teehan.

Mr. Teehan: I wish to thank the Chairman and the members of the Committee for granting the request of the Guam Landowners Association to petition this body relative to the situation of the Non-Self-Governing Territory of Guam.

It has been 48 years since the United States, Guam's administering Power, placed the Chamorro People of Guam on the list of Non-Self-Governing Territories. Today, in 1994, we remain on that list as one of the last 11 Territories which have yet to realize the legitimate exercise of the right of self-determination. Ironically, our status is maintained under the guardianship of an administering Power which has supported the exercise of self-determination for numerous peoples throughout the world - but yet, we remain.

The Special Committee has the unique opportunity to further expand its examination of the situation of Guam from several significant perspectives, perspectives presented to this body through the eyes of the colonized. Before members today are representatives of the Governor of Guam and of the 22nd Guam Legislature, as well as non-governmental organizations such as ours.

Of special significance, and worthy of the full consideration of the Special Committee, is the presentation to the United Nations Special Committee on decolonization of Guam Legislative Resolution No. 299, unanimously co-sponsored by all the elected members of the 22nd Guam Legislature. Resolution No. 299 is an appeal to this body: first, to protect and promote the exercise of the right of Chamorro self-determination; secondly, to pursue the resolution of contentious land-taking issues; and, thirdly, to examine firsthand the colonial situation of Guam by sending a visiting mission to our island.

In this light, I wish to respectfully suggest that this body give due consideration to including the full text of Guam Legislative Resolution No. 299 in this year's draft resolution by the Special Committee relating to the situation in Guam.

There have been claims by the administering Power that the issues of land-taking and release are being adequately resolved. In consideration of this blatantly inaccurate claim, it is necessary in 1994 to revisit the history of our situation as well as current circumstances. Though I will present only a rough oral summation of my presentation, the attention of the Committee is respectfully directed to the actual submission and the attached memorandum.

This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

The Chamorro people are the indigenous heirs to one of the most viable pieces of real estate in the western Pacific - Islan Guahan. It is our good fortune that our geographic location has the potential of promoting economic opportunities that could ensure the viability of Chamorro participation in a modern world. Our historic misfortune lies in our geographic placement upon an international chessboard, with malleable rules being determined by others. We are less than a pawn, as the whims of the United States and its constantly changing rules compromise not only our future, but our very existence. Not being players in the game, we cannot cry foul or demand to see the rulebook. We are simply assured that their moves are legal, pursuant to their rules, as amended by the necessities of their game. It is one thing for the players to add or remove a piece from their board. It is a different matter altogether to actually be that piece. I propose that the Special Committee call time out and end this geopolitical chess game with our lives and resources at the hands of Guam's administering Power.

The situation we face is not only an issue of land use; it is a matter of equity. It is a matter of rights and of the denial of sovereignty - a sovereignty held in sacred trust by the United States. It is directly due to the denial of sovereignty, that the disputed matter of resource control even exists.

This is not a debate on the good or bad intent of those who have allowed these circumstances to occur. Regardless of intent, the effect remains the same: the political, economic and social displacement of an indigenous people within their own homeland. We must deal with the effect. To put it in another frame of reference, the presence of the United States on Guam is akin to having a giant in your home: no matter how well intentioned, he is bound to break something.

Though citations of United States law may conveniently provide impediments to the return of our lands and the exercise of rights, they do not legitimize the denial of justice. What may be portrayed as legal or illegal, possible or not possible, within the context of colonial law is not necessarily reflective of what is just, let alone equitable. What can be observed on Guam is not anger against an enemy but rather the rapidly rising frustration of a trusting Pacific people in the disappointing conduct of its administering Power, the United States.

A number of premises must be adhered to by the Special Committee if the Chamorro people are ever to realize a resolution of Guam's very complex situation: first, that the Chamorro people are entitled, by right, to control their real property resources and to equitably participate in the opportunities of their homeland; secondly, that our right continues to be impeded or denied because of the continuing existence of colonial structures; thirdly, that a fiduciary trust has been violated; fourthly, that solutions promoting equity for Chamorros must be sought; and, fifthly and most importantly, that the true and timely exercise of Chamorro self-determination is the right of the Chamorro people of Guam.

We must not describe the cause of today's circumstances in the past tense to persons very much alive - that was then, this is now - as if the utterance of such a pronouncement, in and of itself, could alter the colonial history and life experiences of the Chamorro people. Such a rationale must be seen for what it truly is: a justification for the continued denial of rights, equity and justice.

The rights of indigenous peoples must be considered in the context of democratic principles and international conventions on decolonization, as opposed to the constraining framework of imposed colonial structures. Though this is admittedly a philosophical argument, and not reflective of the real world, I submit that the democratic rights of a people do not accrue proportionally to their ability to defend them. If participation by the United States in international institutions can defend the rights of others, is it so inconceivable that Chamorros be extended the same considerations and protections - for the same reasons?

In 1946, the United States placed the Non-Self-Governing Territory of Guam on the United Nations list of Non-Self-Governing Territories. Pursuant to Article 73 of the Charter, the United States accepted as a "sacred trust" the responsibility to provide for the well-being of the inhabitants of Guam and the interim protection of their resources, pending their eventual exercise of self-determination. Pursuant to its first report on Guam to the United Nations, the United States made clear that it was the indigenous Chamorro people who were the inhabitants of Guam.

The stated commitments of the United States to protecting Chamorro real property resources, providing rehabilitation by the payment of settlements, developing a Chamorro-driven economy and establishing self-government on an equitable basis were never realized.

Chamorros were promised protection in the interim period pending the development of our ability to enter into our rightful place in the modern world. What we have experienced, instead, has been exploitation and displacement in our own homeland. Our question to the Special Committee on Decolonization is, what yardstick is to be the measure of an equitable resolution of land rights issues and the exercise of Chamorro self-determination in our homeland, the Non-Self-Governing Territory of Guam?

The United States has taken on as a sacred trust a commitment to adhere to the provisions of Article 73 of the Charter relative to the situation of Guam. Additionally, the United States has reported to this body that it has complied with the provisions of that Article. Of great significance, then, is the United States District Court ruling relative to the Guam land claims litigation that a fiduciary relationship does not exist between the Chamorro people and the United States. This ruling flies in the face of United States claims before the Special Committee of its continuing commitment to Article 73 of the United Nations Charter. How can the United States claim to be adhering to its commitments when its own District Courts have ruled that no fiduciary responsibilities exist?

With the end of the cold war has come the need to find new justifications for the continued retention of Federally-held lands. To this end, the United States Department of Defense, as a guise under which to promote the continuation of colonial agendas, has begun to proffer an image of "environmental enlightenment". As if by original design, the historical retention of large tracts of land is to now be credited for protecting and preserving that land in its natural state. As the self-proclaimed "stewards of Chamorro land", the United States is now determined to continue its mission of protecting Guam's environment from its people.

Federal policies mandate the establishment of critical habitats and/or wildlife refuges for the protection of endangered species. Towards this end, the Federal Government of the United States has now unilaterally declared approximately 21,000 acres of our lands currently held by it - the declaration also affects some civilian lands - as a United States Wildlife Refuge. Ironically, or perhaps conveniently, though they are protected from Chamorros in the interests of environmental conservation, the United States Department of Defense reserves the right to utilize the refuge lands for national defence interests, as required.

The question is: are Guam's land use policies to be based upon a compatible balance between environmental preservation, the sustainable yield of our resources and the social and economic aspirations of our island community, or are they to be unilaterally imposed via the arbitrary application of Washington's agendas? Is the Federal Government alone capable of protecting Guam's remaining flora and fauna, the balance of which was destroyed by that same Government? It is our position that any such unilateral designation is contrary to the intent of Article 73 of the Charter.

Local efforts towards land recovery are handicapped by Federal policies that provide excuses behind which Federal officials hide. Unwilling to reconsider its mission in the light of unjust or unique circumstances, the United States Federal bureaucratic momentum continues of its own accord.

The execution of Federal policy relative to "surplus" lands falls within the purview of the United States General Services Administration (GSA). As Federally-held lands on Guam potentially become available for release, GSA policy dictates the terms and conditions of disposal. Unfortunately, United States law, ignoring the rights of the Chamorro people of Guam, gives preference to other Federal agencies, in order that these agencies might utilize the lands in the promotion of Federal agendas. No consideration is given to the fact that almost all Federal lands currently held on Guam were taken from Chamorros without legitimate due process and under circumstances that were in violation of both United States laws and Article 73 of the Charter.

When objections are raised by Chamorros, GSA cites recent United States law as a justification for the continuation of current policy. Carefully ignoring a history of United States laws that failed to protect the rights of due process for Chamorros, GSA is now able to reference laws that succeed in protecting Federal interests. Also ignored is the fact that Federal land release policies have been changed on numerous occasions over the past 50 years. In lieu of land, Chamorros received only Federal sympathy and heartfelt assurances that if the Government could return the land it would, but it cannot because of the law. The law is fluid when applied to United States agendas, but frozen solid regarding any beneficial application in the interest of the Chamorro people.

Today, in 1994, the United States military actually utilizes less than 12,000 of the more than 44,000 acres currently held. At no time have United States land requirements exceeded current usage, not even during the Korean and Viet Nam wars. The appropriation of land far in excess of actual requirements is the major cause of Guam's current land shortage. The continuing failure to release surplus lands is crippling local efforts to address the land needs of our civilian community.

The legitimate distrust felt by Chamorros and by Guam's elected leadership regarding the willingness of the United States to represent our interests fairly is not without cause. There are numerous, well-documented examples of lands taken by the Federal Government and subsequently left idle or utilized for purposes that were not beneficial to the original owners, their heirs or the Chamorro people in general.

Historically excluded from the decision-making process, we are collectively hesitant to entrust the fate of our lands - and thereby our futures - to the good will and fiduciary conscience of the United States. It is difficult to trust when we are experiencing the unfeeling application of colonial policy without due regard to our history or to commitments made pursuant to Article 73 of the Charter.

Guam's political leaders are attempting to resolve this complicated situation. Unfortunately, their efforts are hampered by colonial structures that severely restrict their ability to enact equitable solutions. Despite claims to the contrary, United States laws are the main impediment.

Endangered species, various United States Federal instrumentalities and even homeless people on the United States mainland, 8,000 miles away, take priority over the Chamorro people. The utter disparity of this situation lies in the fact that the lands in question have been obtained from one distinct group - the Chamorro people. The Special Committee cannot allow the tragedies of our colonial history to continue to keep us from taking full advantage of opportunities yet available.

In our opinion, the first order of business must be the timely creation of programmes, sanctioned by enforceable law, which will allow the Government of Guam to pursue corrective and equitable solutions. Further, said laws must recognize the rights and history of the Chamorro people and, from that perspective, be designed to counter the effects of our displacement and current circumstances. These laws must not only be conducive to our development; they must contain protective structures and provisions which prevent unilateral policy changes by the United States.

It is the stated position of the Guam Landowners Association that the remedies enacted by United States law and policy to date have failed adequately to redress the land-takings; nor, in consideration of commitments made pursuant to Article 73, could any legitimate justification be rendered by the administering Power for its conduct and breach of its fiduciary trust. In this light, our claims of interest in the resources and rights of our people, the Chamorros, continues.

A significant step towards a solution lies within the proposed Guam Commonwealth Act. The ultimate protection, however, lies with the legitimate exercise of Chamorro self-determination and the subsequent structuring of a political status conducive to our cultural survival and entry into the modern world in our own right.

The petitioner withdrew.

At the invitation of the Chairman, Mrs. Rios Guahan (Guam) (Landowners United) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mrs. Rios.

Mrs. Rios: I thank the Committee for providing the Guahan Landowners United, Inc., the opportunity to give testimony today concerning land issues on Guam and how they are intrinsically connected to the absence of political self-determination in this unincorporated United States Territory.

My name is Marianne Rios. I am married to one of Guam's native sons, Albert Rios, a landowner and claimant to recently accessed federal lands. I am honoured and proud to deliver this testimony today on behalf of the 50-plus family clan members of our organization, each clan comprised of as few as 15 in a family to as many as 150 heirs. My testimony is also in honour of my father-in-law, Jose L. G. Rios, a long-time educator in Guam, and my mother-in-law, Antonia Duenas Rios, who, to the day they died, believed that "one day soon" their confiscated, condemned and uncompensated Guam Naval Air Station land would be returned to them.

I am German by birth and upbringing, American by choice and a Chamorro by love - love for a people who have given me their friendship and love for the 36 years I have known them. It is the belief of Guahan Landowners United that the self-determination of the Chamorro people is rooted in the Chamorro's control of their land, private and public. As long as Guam - some 6,000 miles away from the United States mainland, without statehood, without a vote for the presidency of the United States - is forced to obey federal laws before being able to follow its local laws, it is not a self-determining island but a mere colony of the United States, and consequently has lost control of its own lands and over local land policies and politics. The first item on the agenda of a colonizer is to immobilize and disenfranchise his conquered subjects by taking and/or regulating private and public property. This is exactly what the United States did when it arrived on Guam's shores on its military mission in 1944, understandably and justifiably, in the name of defence. But the war has been over for 50 years.

At present, all the indigenous people of Guam have the status of United States citizens, unilaterally bestowed upon them via the Organic Act, signed by President Truman in 1950, without the exercise of democratic due process, that is, the voted consent of the indigenous inhabitants of the island. As citizens of an unincorporated Territory, they do not have a vote in presidential elections, nor does their one and only congressional representative have a decisive vote in congressional legislation.

Guam land disputes, therefore, are about resolving conflicting interests in land; about property rights and duties; about civil rights as Americans understand them; and about the enforcement of contract law as practised in the United States. It is a dispute arising from the question of the fiduciary responsibility of a strong conquering nation versus a weaker, smaller island nation. It is a story of disenfranchising an entire people, stripping them of what has always been dearest and most valuable to them.

The Second World War in the Pacific and the American re-occupation of Guam in 1944 greatly upset the land-tenure system with the condemnation of more than 4,000 of the more than 5,000 private land lots on record at the time, including every single large, well-cultivated plantation tract. Four fifths of the land of the island was condemned by the American military authorities, which was 80 per cent of all land and 100 per cent of all submerged land off Guam's shores. In view of the plain and now undisputed historical fact that the lands of Chamorro landowners were never restored and the entire way of life those lands once supported was snatched forever from them, the story of former Guam landowners can only be a story told with compassion, great sensitivity, and even reverence for a once viable, self-sufficient agrarian community found innocent of any provocation leading to the cruel hostility, war, death, destruction and wholesale disinheritance that became their post-war fate.

Guam's war epic is an equally heartbreaking and inspirational account of innocent victims of unspeakable inhumanity who survived against all odds. One cannot possibly tell this story and not be profoundly touched by the courage, sacrifices, patriotism and the awful shame this story's final chapters reflect on those in authority who held the land resources under their power but ignored and refused to heal the deep wound landlessness caused over the past 40 years.

This war wound is serious, for it covers the entire body of this community, continuing untreated despite the pain, disabling us even now and slowly erupting into uncontrollable proportions of disenchantment with the mother country, the United States.

Most American Navy dependants were evacuated from Guam before the Japanese invaded the island on 8 December 1941, quickly overwhelming the few naval personnel and the lonely, but nevertheless courageous, Chamorro defence. Two and a half years of Japanese occupation passed before Guam was again consumed by battles to the death.

As a result of two major Powers fighting over an island which represented for each of them a strategic advantage and a military outpost, all major pre-war villages were destroyed. Thousands of Chamorros, surrounded by abandoned Japanese machine-gun nests, followed their American liberators in a long parade out of the death valley of Manenggon to the coastal areas. They were true believers, willing to give away anything and everything in return for their lives just spared. Many lost their lives, and most of them lost all their belongings. For most there were no homes standing in villages to return to. Their farms were declared off-limits. Only the fruits of war were allowed to grow, and before hostilities ceased, more than three fourths of Guam's land area was zoned off limits for its civilian owners by the military of the United States Government.

Criminal penalties, including the threat of death itself, were enforced to restrict civilian entry into ancestral lands and lands previously owned or leased and farmed. The United States military managed all civil affairs. The market for real property was completely closed but eventually reopened in a limited way under complete martial-law price and transaction control. No money circulated; only a tightly controlled military scrip was eventually introduced. Bank deposits remained frozen, and bank services, including all real-estate lending services, remained curtailed. Aggressive military Government actions were taken to suppress consumer demand and restrict land needed to raise crops. No civilian land surveyors, land appraisers or lawyers could be found, such professionals being discouraged by military entry and exit controls. All leaseholds were cancelled, and the land-lease programmes were closed down.

By force of regulation, the United States military Government of Guam successfully campaigned against postwar "inflation", or land value appreciation, at the expense of private landowners. Land use and market controls were imposed, giving the beneficial effects to the enforcers, thereby reducing the Government's cost of private lands selected for condemnation, until its land acquisition programme, requisite for large-scale military-base development, was concluded. The condemner profited from his unreasonable precondemnation regulations. Federal Government appropriation for land acquisition could be kept small, but a huge area of land could still be taken none the less.

Those post-war actions by the naval Government constitute a classic example of macroeconomic duress, inflicting great and wrongful harm upon the economic interests of an already war-torn and beleaguered indigenous people whose recourse to either political representation or independent judicial protection at the time was nil. Hundreds of records show that unjust monetary compensation was paid to displaced owners by reason of economic duress and unconscionable precondemnation actions by the federal Government from which it later profited through the decreased cost of the land. And it was in this war-torn, martial-law-ruled, stratocratic state of abnormality that four fifths of all private lots of Guam land were condemned for military use in military courts where the judges' decisions were taken in their private chambers without interference from defendants, juries, trials or independent opinions on value, lot size and lot features. There were no disputes. Land was taken. United States military bases were then built.

Confidential records released just recently - as recently as 1989 - show now that more land was taken than was needed for military operations to make sure that once authorized military needs were met, enough lands would be left over - excess lands - to assure the success of a land transfer, land exchange, land replacement or land resettlement programme designed and authorized by the United States Congress for the express benefit of landowners being displaced by military operations planned for Guam. United States Public Law number 225 of 15 November 1945 proves that such a plan did exist.

With respect to the charge that the United States underpaid, it did; and the secret history described above confirms that it did so knowingly, but instead of working as its alternate plan, it ended up in archives, stamped "top secret". The United States knew it could not fairly restore the Guamanian estate it had taken by force from war-ravaged people living in a war-torn place by paying money. So the United States officials at that time decided to put just compensation on an in-kind basis.

The United States deliberately built its post-war land inventory level up to approximately 80,000 acres - equivalent to one third of the island - so that it could keep roughly 40,000 acres for future military use and return the remaining 35,000 acres to Guam people thus displaced.

To accomplish the exchange deed programme, a condemnation process, based upon a uniform appraisal formula, was designed and implemented. Suffice it to say that, unfortunately, the contemplated land-transfer programme failed to materialize, and suburban and agrarian lands were never offered to the former landowners, as expected, for this purpose.

Thus, the original bargain was only partially fulfilled, and a great injustice was perceived by the war-torn and displaced people who were, in the end, offered only nominal money compensation, and in some cases none at all, instead of the promised land they had reasonably been expecting in exchange. The failure to conclude land transfers as planned explains why former landowners once felt so strongly motivated to pursue damages claims and why they continue to protest still today, and it clearly shows why so much surplus Guam acreage and lands, long since declared excess to military needs, remain in military hands today.

Maria Torres Franquez, who is Ron Teehan's grandmother, was a claimant for Lot number 317AT, and she stated under oath in the land-claims cases something that could stand as a memorial to all the displaced victims of the war, and later to their heirs. She said,

> "We were told that the United States would give the land back when they didn't need it any more, and this is why I 'agreed' to the price offered. We were never offered the benefit or opportunity of buying replacement land."

The political unrest over land matters which had built up in Guam while expatriate Interior Department functionaries neglected their land-transfer and homesteadprogramme duties exploded once Guam's residents were empowered to elect their own Governor and Delegate to the United States Congress.

Because the confidential files had not yet been opened to the public, a push to recover just monetary compensation began, and the United States Congress responded by enacting a Land Claims Bill to guide the process.

After more than 15 years of bitter litigation and expenditure of well over $40 million for litigation expenses and settlements, the congressionally authorized cases were inconclusively closed.

Many landowners knew that land was supposed to be given to them, and they declined the monetary awards. To this day they are still waiting for the promised land. The litigations were a side-show, which did not lead to the promised land and therefore did not solve the problem.

But the land claims case did succeed in something entirely unexpected: it pierced the veil of secrecy that had obstructed justice and exposed the factual basis upon which a full, fair and equitable land reform programme can be built once again.

Although the administering Power believes that the land question on Guam was settled after the Second World War, the jury has yet to return a just verdict on Guam's land history. Why? In addition to the lack of historians, two important reasons stand out now.

First, United States Navy real estate records of numerous post-war land acquisitions were stored out of sight, many of them listed under top secret national security classifications at the time of the cases. The indigenous people of Guam, from whom the lands were taken, could not, and did not, know all that was kept secret from them - which was a lot.

Secondly, through the Guam Land Claims Cases, which were litigated with the Federal Government between 1974 and 1991, Guam's land history was actually dragged, stripped-down, into court, then flogged by opponents heatedly in dispute, all without the input of the landowners, from whom the lands were originally taken. Their rights to have their property returned or to receive just compensation, as every American citizen is so ardently assured of by the Fifth Amendment to the United States Constitution, were ignored and violated. As a result of these cases' being settled in 1991 before they went to trial, unilaterally agreed to by lawyers who had their private agenda, history itself was left unsettled. The land claimants have now united once more to fight the great injustices, and Guahan Landowners United play a significant role in the education and representation process of the claimants.

The skeletons of those who saw their duty clearly, but later shirked their responsibility to the displaced land owners who came before them, are also buried within our history's grave. Because the Guam land history has been discovered, is in the process of being preserved and will some day be professionally developed, the truth in time will clear our vision so that we may set our sights squarely upon the reforms we must now help establish. Because this work remains undone, a number of unlikely protesters have appeared: solid, otherwise law-abiding citizens, whose plight has not been well understood or given much official public or official governmental sympathy. Not only is there the call of "Give us our land back", but we are hearing rumbles of "Independence now".

There are the Artero clan, who are locked out of their own property, for which they dutifully pay taxes every year, first to the Department of Defense and now, conveniently, the Department of Fish and Wildlife. There are the Eclaveas, the Ulluas and the Garridos, who, with other non-profits, have to share "temporary" use of their own lands, lands which were to be passed down from generation to generation, excess lands which have not been used by the military for over 40 years. What will happen to them once the congressional Bill HR 2144 turns these lands over to the Government of Guam, with outlandish stipulations, such as "for public use only"? There are the Ritidian Point families, who have taken on the Federal Government singlehandedly in the courts, to gain use and access to lands for which access had been legally granted but never given by the military in over 40 years. They are expected to swim to the shore when the tide is low. And then there are the many families who did not even participate in the class-action suits, because they had never given up hope of some day getting their land back. One of them is my in-laws, the Rios family.

And so the protests multiply. Fences are being jumped and papayas are being planted on land which may still be highly contaminated, not having been cleaned by the Federal Government in the past 50 years. These protests cannot be neglected, for they will be aggravated by all sorts of things until resolved. I know personally of people who have conditional use of excess lands presently and who threaten that they will never let anyone evict them from their rightful inheritance, their mother's or father's legacy. The circle of discontent is growing rapidly larger in our community and is not confined to past land-claim issues. More and more the political status of the island moves to the forefront, with the Federal Government's ignoring the island's quest for Commonwealth; the Federal Government's denial of return of future excess lands to the original owners; the recent designation of excess lands to the United States Fish and Wildlife Service, a designation of almost 30,000 acres, what the Guam land claimants conceive as a clever federal intergovernmental deal and ploy, assuring the military's future use of the land in case of national emergency - or perhaps we do not have to clean up for that brown tree snake. Another matter is the return of excess lands through channels which allow the Federal Government to make land like the Naval Air Station first available to non-profits and the highest commercial bidder.

More discontent is spreading rapidly about the ever-increasing population caused by federal immigration pressures. Immigration to Guam is controlled by federal laws and is rapidly overcrowding the island and overtaxing its social systems. It appears that the indigenous people of Guam will soon be the endangered species in their own homeland. The imminent disposal of excess federal lands in United States Congressional Bill HR 2144, with the federal stipulation "for public use only", has many landowners, whose lands come under that Bill, worried and in anguish.

This is not, nor has it ever been, about money. Money could not solve the problem then, did not solve it when it went to court, and will not solve it now. This is all about dimly recalled but strongly felt property rights gone unenforced until they slipped into the mist of time, leaving only public protest and frustration to fill the vacant space.

This is all about domestic violence, such as child and spouse abuse, crowded living conditions, rising crime, increased community stress and indigenous, human endangerment. One will not find the homeless on the streets of Guam. Chamorros take care of their own. However, what a price they pay! Chamorro families now live three generations together under one roof, most of them with only one bathroom.

At its most fundamental, this is also about power, economics and politics, and questions like whether local people keep control of their homeland or eventually take to the streets and resort to violence against "intruders", as Jewish settlers in Palestine and white settlers all over Africa did. Those questions are now considered and openly discussed on Guam.

No one's property rights in Guam or in America will be secure until those of Guam's displaced post-war land owners and their heirs have been restored. The land issues in Guam must be settled. The Federal Government is ignoring the island in its quest for commonwealth. The time has come for the island to take its fate and Chamorro self-determination into its own hands, perhaps via some sort of Free Association status with the United States. In the many attempts through the Department of Defense, the Department of the Interior and even through the courts we have failed so far to achieve a just solution to the land claims, and probably will never come to a just solution under the present colonial system. The Commonwealth Act was to be the first stepping stone in gaining more independence, eventually leading some day to self-determination. But the Commonwealth Act has gone sour. It seems to be more and more a dead item in the political arena, where the Federal Government is playing hide and seek with the island of Guam. it is evident that we cannot wait any longer for the Federal Government to make up its mind.

We must move forward economically, instead of being stifled by unjust trade and shipping laws; we must secure our island borders from uninhibited immigration numbers and the crowding of our overused social systems; and we must become economically viable by taking charge again of our own land, land that if given back to the rightful original owners will generate more economic independence for the Chamorro people and certainly will generate more tax dollars. This would also decrease the need for the administering Power's food-stamp programme. We must determine our own political and economic direction, develop our own land-use policies and control our own immigration. This goal we must achieve with or without the blessings of the Federal Government.

With the help of this Committee, we hope to reach those goals. Clearly, the United States has violated pertinent United Nations resolutions regarding the Non-Self-Governing Territory of Guam. Guam is tired of being only a strategic military outpost of the United States. It is not enough for the United States dutifully to report annually to the United Nations about the steps it is taking to bring its non-self-governing possession of Guam to self-government or independence, according to Article 73 of the Charter. They have been duplicating that report blindly year after year, without changing it. Their next report should finally have as its theme "Mission accomplished", and should thus be their last report to the United Nations.

We ask the Committee to send a fact-finding mission to the island to investigate the present political, economic and social relationship of the Federal Government with the island of Guam, with particular emphasis on political status and the prevailing land claims issues. Should members come to the island, they would find a very hospitable and gentle people, well educated by their colonizers, ready to create their own political, economic and social reality on their island. We want this message to go out to the world: Before the United States intervenes in the cleansing of everyone else's back yard, let it sweep its own first. There is nothing unpatriotic about a request such as ours here in front of this Committee. There are no more patriotic Americans than Chamorros. It is sad that we must remind the United States about its responsibilities and the treaties and articles of the United Nations, by which it has agreed to live and deal, and which it has ignored for so many years.

The issue of our political status must be faced and dealt with, and Guam land issues must once again become local, and not be dictated by the Federal Government.

The Chairman *(interpretation from Spanish):* I thank Mrs. Rios for her wide-ranging, detailed information, which has helped the Committee understand the vital issue of land ownership. Her information will be taken into consideration when the Committee takes a decision on the question of Guam.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Tony Artero took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mr. Artero.

Mr. Artero: I am Tony Artero from the small island of Guam, where our people have been held hostage by superior plundering nations since the invention of the ship. We, the people on the island of Guam, United States of America, are very rich in history, suffering, and bravery, having fought for freedom for centuries. As a people, we are also grateful; we showed unquestionable loyalty to America, the self-proclaimed champion of freedom, throughout the extremely long three years of Japanese occupation during the Second World War.

However, if there is one American democracy plan that went awry, it would have to be Guam. Like little David against Goliath, Guam has always been relentless in its struggle for freedom, since the first visit of superior Powers, but it accepted and defended Goliath: the United States. The irony is that Americans in the United States are ignorant about Guam. The majority do not even know where Guam is on the globe. To make matters worse, our perception is that our red-blooded American spirit and our struggle for political and economic freedom are suppressed by the total arrogance of the big and powerful United States Federal Government.

History has also shown us that this is also true of the actions of our local government officials over the past several decades. Government officials, local and national, have capitalized on the disorder, leaving the grass-roots citizens - the Chamorros - out of the political and economic process. Guam is the only place on Earth where the war crimes of the Second World War - of both sides, Japan and America - are intentionally treated as nonexistent and where the sacrifice of lives and property for freedom remains thankless. Bad seeds were planted instead, and the ugly crop is being harvested now. This historic wrong should and must be rectified.

I feel privileged to relate to the Committee a personal story. In 1972, while actively serving in the navy, I was fortunate to be accepted into a two-year college programme. My first division officer started me out, as she put it, "on the right foot". My declared major became real estate. Three semesters later, a regular line officer took over as division officer. He summoned me upon learning that I was a qualified submariner. His question was simply, "Since when does the navy deal with real estate out in the middle of the ocean?". My response was, "Sir, I am from the island of Guam, and Guam is in the middle of the Pacific Ocean. When the United States navy reoccupied Guam in World War II, the navy took all of my grandfather's property by force, without just compensation, and extinguished our livelihood. Now, I am in the navy studying real estate, because I want to learn how to get it all back to reestablish the economic base of my family and the island".

I retired from active duty in 1979, but to this day our land dispute remains while we pay taxes regularly. Many other families are in similar predicament with their ancestral lands on Guam. At present, we have a Government that is unaffordable, making a mockery of democracy, full of conflicts and social injustices, which creates alarming tension.

Guam was never liberated by America during the Second World War. It would be the excitement of the century for Chamorros, Chamorus, Chamaules, Guamanians and Americans on Guam and worldwide if America launched a programme to decolonize and truly liberate the island of Guam, even if it were 50 years after the fact. I know that, with the intervention of your Committee, this could happen, for a much better world.

As for the new world economic order, we know that each military base closure opens up a new and brighter economic future. However, please be advised that this is not happening with us on Guam. The Government officials' priority is wildlife, over the vital economic needs of human beings.

The military, national and local Government officials on Guam, for selfish reasons, have eroded freedom, blatantly violated private-property rights and virtually extinguished the productivity of the island in favour of servitude. Instead of taking seriously their duty and obligation to serve the Chamorus as they had sworn to, and particularly with respect to the provisions of Public Law 224 and 225 - namely, to return unused lands to the people, grant them viable use of that property and make them economically independent - Government officials have subverted the will of the people. They have wasted, abused and polluted the island, subjecting the indigenous people to governmental handouts such as food stamps and welfare programmes, making a total mockery of democracy and subversively handing over excess lands literally to the birds by way of a gigantic wildlife habitat covering nearly a third of the island - for birds, I would recall, that are already extinct on this island because of 50 years of arrogance, corruption, waste, abuse and pollution.

As I present this testimony, the Navy on Guam, motivated by military downsizing, is building a restaurant outside its fence to enhance its profits. To make matters worse, it is building that restaurant on disputed land: the land of my grandfather, which is rightfully the Artero clan's inheritance. Furthermore, the Navy on Guam is going on record as being in competition with the private sector, in total opposition to the principles of democracy and freedom. Obviously, their arrogance, born of power, has prevented them from seeing that such an action is wrong and counterproductive - and so more bad seeds continue to be sowed.

The situation in Guam is indeed America's best-kept dumb, ugly and dirty secret. What is happening on Guam also makes a mockery of those who made the ultimate sacrifice for the peace that we are rather gingerly maintaining today - gingerly, because of the greed of this Government of the few, by the few, for the few. Granted, some people agree with this big, unaccountable, negligent and inefficient Government because of employment. We may be at peace today, but as Franklin Roosevelt once said, "We must remember that any oppression, any injustice, any hatred is a wedge designed to attack our civilization". It would be very nice if the deliberations of this public hearing were broadcast live on CNN for all the world to see and hear. Perhaps Guam would then get the attention it has long deserved.

All things considered, respect for the land should be the basis for everything in our lives. After all, underneath all lies the land. If the island of Guam were not here, there would be no issue. As Thomas Jefferson once said, "To give up a little liberty for a little security will probably lose both and deserve neither".

Yes, I know that real estate is political. However, one does not need a college degree to understand the virtues, strength and efficacy of property rights. This is as simple as it is fundamental - call it economic intuition. Property rights have been indivisible from liberty and freedom since the days of the caveman. Private-property rights make for a vibrant, open economy - the efficient engine of democracy. History has forced Russia and others to abandon communism in favour of the individual's right and ability to be self-reliant. Indeed, one can be self-reliant and upwardly mobile economically, for the betterment of the community and the nation, through the freedom to own, use and transfer property.

Because of the blatant violation of our property rights, the present plan of the United States to launch a "double-barrelled" celebration, with bells ringing around the world, for the fiftieth anniversary of the ending of the Second World War would be preposterous for us on Guam.

As we on Guam perceive it, after evaluating the roles of the Department of the Interior - they just want to keep their jobs; the Congress and Senate - we are not their constituents, so they could not care less; the Department of Defense - they are concerned about their budget because of the military downsizing; and the Government of Guam, with its lone congressional representative, who can vote only if he doesn't break a tie, we conclude that the only recourse we have is this Committee. We look to it to set the pace and the tone to return Guam to the fundamentals, for private property rights to be restored, and for freedom to be allowed to flourish. Only then can Guam return to self-sufficiency.

In an orchestrated fashion, career public officials have continued to use new governmental regulations to cover up wrongs so that the few in power will remain in power, capitalizing politically and financially on the disorder. They have essentially failed the people miserably.

The indigenous Chamorus have very close ties to their birthright, the land of their forefathers, and they are not going to give up until justice is served. The United Nations seems to be our only hope before blood is shed. I respectfully ask you, Mr. Chairman, and the members of this Committee to please do everything in your power to ensure the speedy granting of freedom, liberty and justice to all on Guam.

Included with my testimony are copies of my advertisement concerning the Urunao beach property which appeared in the *Pacific Daily News* on Independence Day, 4 July 1994, and a copy of the *Island Insights 1994* article entitled "Concepts for a Comprehensive Solution".

The Chairman (*interpretation from Spanish*): Does any member of the Committee wish to comment?

Mr. Ardhaoui (Tunisia), Chairman of the Subcommittee on Small Territories, Petitions, Information and Assistance (*interpretation from French*): As we are just finishing hearing the petitioners with regard to Guam, I should like to say a few words, as Chairman of the Subcommittee, before we hear the petitioner with regard to the United States Virgin Islands. This morning we received a great deal of information about the situation in various Territories with which we are concerned. This information should not be lost. My colleague from Mali suggested this morning that the statements made during that meeting should be distributed. That is a good idea, but it is not enough. When we start to study a Territory in the Subcommittee we usually do so on the basis of documents prepared - in great detail - by the Secretariat and distributed by the Secretariat, sometimes supplemented by information that we obtain from various other sources. The documents prepared by the Secretariat provide geographical and historical information and information gathered from the international press. There is also information - fragmentary - furnished by the administering Powers to the Secretariat, as well as the texts of statements by people bearing responsibility, members of the local Governments and representatives of the administering Power. But only rarely do we find petitioners' statements reproduced.

Today we heard the truth ring out, and, if we are to be consistent, it should be translated into our documents. Somebody spoke about the spilling of blood. That is very dramatic, but our role is to take the drama out of things and foster dialogue. That means listening to everyone, the administering Power as well as the petitioners. Therefore, I suggest that the documents for our next session, in 1995, should include paragraphs from the statements made by petitioners today. I believe this to be very important.

The Chairman (*interpretation from Spanish*): I should like to take the opportunity given by what the representative of Tunisia has just said, which is a follow-up to the proposal made by the representative of Mali this morning, to say that it is my impression that the statements made by the petitioners today, particularly with regard to Guam, provide a great deal of information about the situation of the population. That is why I fully support the proposal made by the representative of Tunisia, just as I supported the proposal made by the representative of Mali this morning, that we should have available to us in our work and deliberations, including the consideration of proposals for submission to the General Assembly, the direct, clear - and, indeed, emotive - statements made today by the representatives of Guam. We support the proposal, and we shall have to discuss in the Committee later how these ideas can be developed. We entirely endorse the statement and proposal made by the representative of Tunisia.

Mr. Pursoo (Grenada): I wish to add my voice in support of the call made by the representative of Tunisia. I should like to see the statements synthesized by the Secretariat and redistributed some time next year when we begin to study the small Territories concerned. It is usually very frustrating when small Territories, particularly small islands, have problems, because it is so difficult to get our voice heard in the halls where it really matters and by the people in a position to make decisions affecting the lives of the people concerned. So every bit of information we can garner we should obtain, and keep it in our records so that we may study the situations there more thoroughly.

I should like to put a question to Mr. Artero. If I understood him correctly, the United States navy is building a restaurant on property owned by his family. I should like him to speak about that, because I am not sure that I understood clearly.

Mr. Artero: The land where the navy is building a restaurant is on a property they acquired by force after the Second World War. To this day, there has been no just compensation for that property. What they did was fence a portion of the property in the main area where the military installation is situated; part of the property they took was never fenced at all: it is just out in the open, but it is still considered a military reservation. They put up signs that it is Government property and that no one should trespass on it.

The portion that is outside the fence, fronting one of the major highways on Guam, is where they are building a restaurant so that they can capitalize on the community that has blossomed in that area over the years. The profit they are going to get from operating that restaurant outside the fence is going to accrue to the morale and welfare funds of the men and women in uniform. All this is well and good, but they should not be doing it outside the fence, because they are competing directly with the private sector. We know of restaurants inside the fence, and that is perfectly okay with us, but building one outside the fence puts us in double jeopardy, so to speak: they took our land, then on the unused portion of the land they took they want to go into business to compete against us, who must build on the remainder of the land that is left to us, which is very small and very expensive. I think I make myself clear.

Mr. Pursoo (Grenada): Am I to understand that this restaurant will be open to serve the general public?

Mr. Artero: That is the ulterior motive. That is why they want to build it there: because they want to generate money for themselves. It was not the design of the founding fathers of the United States of America for its own Department of Defense to compete against the taxpayers, who fund the Department of Defense.

Mr. Pursoo (Grenada): Is there any other instance of the navy or any other branch of the United States military owning any such operation in Guam, whether it be a restaurant or a store or anything that is open to the public outside the military bases?

Mr. Artero: None that I know of; I do not think there are any. This is the first one they are trying to build.

The Chairman *(interpretation from Spanish):* I thank Mr. Artero for the information he furnished to the Committee. The Committee will continue to work with the representatives of the people of Guam.

The petitioner withdrew.

The Chairman *(interpretation from Spanish):* In accordance with a decision taken at this morning's meeting, the Committee will now hear a statement by Mr. Corbin, representative of the Governor of the United States Virgin Islands.

At the invitation of the Chairman, Mr. Corbin took a place at the Committee table.

The Chairman *(interpretation from Spanish):* I call on Mr. Corbin.

Mr. Corbin: On behalf of Governor Alexander A. Farrelly, the fourth elected Governor of the United States Virgin Islands, I wish to thank the Committee for this opportunity to present the statement of my Government. I also wish to extend our welcome to the new Secretary of the Committee.

As we did not participate in the deliberations of the Subcommittee this year, we wish to congratulate its Chairman and its members on their adoption of the report on the 10 small Territories. I wish to comment on several of the issues in that report, and offer several recommendations that we feel would serve to clarify and update existing language.

Before proceeding, I wish to congratulate the representative of the United Nations Association of the Virgin Islands, who spoke this morning and gave an eloquent presentation on some of the issues contributing to the inconclusive result of our political-status referendum, held last autumn. We wish also to congratulate our colleagues from the Government of Guam and the representatives of non-governmental organizations, who have made important contributions to the proceedings.

Regarding the report of the Subcommittee, we note the continued reference to the relevance of resolutions 1514 (XV) and 1541 (XV), and the recognition of the need to ensure the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Those are important elements, which my Government has consistently supported. As recently as 24 May this year, Governor Farrelly, in testimony before the Congress of the United States, recognized the significance of the International Decade for the Eradication of Colonialism and the relevance and relationship of the Decade to the remaining Non-Self-Governing Territories. In that connection, my Government agrees with the long-standing inclusion of language in the Subcommittee report calling upon administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of the possibilities open to them in the exercise of their right to self-determination in conformity with the legitimate political-status options clearly defined in General Assembly resolution 1541 (XV).

In an address before a conference on future relations between the Administering Authority and the Territories under its administration, held at Washington, D.C., last May, Governor Farrelly observed that the conference had come at a particularly strategic time in the continuum of political and constitutional development of the non-independent Territories, most of which are in the Caribbean and Pacific regions, as we advance towards the half-way point in the Decade, and as we approach the target date of the year 2000 designated by the international community for the self-determination process to be completed. The Governor indicated that that process had been steadily accelerating since the ratification of the United Nations Charter - with the successful decolonization of over 80 Territories since the Second World War consistent with the spirit of Articles 1 and 73 of the United Nations Charter, along with long-standing resolutions adopted in the course of over four decades, focusing on the socio-economic, political and constitutional development of our Territories.

The Governor went on to indicate that there had been consistent support on the part of our Government for recognition of the significance and relevance of international law and principles contained in the United Nations Charter and in United Nations resolutions.

It is important to note that my Government has consistently supported these principles, principles we have consistently articulated before this Committee and its Subcommittee, and before the Fourth Committee, since our Government took office in 1987. Previous elected Governments of our Territory expressed similar positions before the Committee as long ago as 1975.

In this connection, our Government wishes to thank the member Governments of the Caribbean Community for their approval, at the twentieth meeting of the Standing Committee of Ministers Responsible for Foreign Affairs, held in Belize in May 1994, of a very strong provision on decolonization that encourages the United Nations Special Committee of 24 to continue its mandate with respect to the decolonization process.

Having made these points, we wish to express our support for provisions in the Subcommittee report that acknowledge the need for economic stability and diversification in the Territories and the vulnerability of our Territories to natural disasters. In the case of natural disasters, we would advise that language in the Subcommittee report referring to natural disasters and environmental degradation include references to the relevant provisions of three important international initiatives as they relate to our Territories. The first such initiative is the Programme of Action of the World Conference on Natural Disaster Reduction, held in May 1994 in Yokohama, Japan. The second such initiative is the mandate of Agenda 21 of the International Conference on Environment and Development, held in June 1993. The third is the Programme of Action of the Global Conference on the Sustainable Development of Small Island Developing States, held in Barbados in April this year.

It is important that the linkage between these important world Conferences and the socio-economic development of our Territories be recognized and reinforced, and that our Territories be permitted to participate fully in the programmes and activities emanating from these Conferences. The development of our Territories cannot take place in isolation from these global initiatives, and the General Assembly and the Economic and Social Council have repeatedly supported the relevance of participation by Non-Self-Governing Territories in United Nations technical programmes.

My Government also wishes to endorse the language in the Subcommittee report which speaks to the usefulness of the participation of representatives of the Territories in the work of the Special Committee. We wish to add a reference to the effect that this usefulness could be enhanced if the guidelines established for this purpose are actively enforced, which would provide an opportunity for even more representatives of Non-Self-Governing Territories to participate in the Committee's work.

We also take note of the inclusion in the report of the importance of referendums and other forms of popular consultation on the future status of the Territories as an appropriate means of ascertaining the wishes of the peoples. As a matter of inquiry, we seek clarification on this reference, since the United Nations has always spoken of the primacy of what is termed "a legitimate act of self-determination". What then is the relationship between such popular consultations and a legitimate act of self-determination? This is a longstanding question which we have yet to have clarified, and this issue became a significant factor in the inconclusive result of our political-status referendum held last year, as was intimated this morning by the representative of the non-governmental organization from the United States Virgin Islands.

With respect to provisions of the report on the contribution to the development of Territories by the specialized agencies and other organizations of the United Nations system, we recommend that the United Nations regional economic commissions be specifically mentioned for their consistent work in inclusion of the Territories as associate members and in inclusion of these Territories in their work programmes at a level exceeding most United Nations bodies. In this respect, specific reference and mention should be made of the Economic Commission for Latin America and the Caribbean and the Economic and Social Commission for Asia and the Pacific, both of which have several Non-Self-Governing Territories as associate members.

My Government expresses its support for the continued incorporation of provisions in the report that reaffirm the responsibility of the respective Administering Authorities under the Charter to protect the economic and social development and to preserve the cultural identity of the Territories. In the case of cultural development, reference might be made in the report to the relevance of the activities of the World Decade for Cultural Development, which have not yet been made available to most of our Territories.

Reference is also made in the report to the protection and conservation of the environment and the call for the specialized agencies to monitor environmental conditions in the Territories and for the agencies to initiate or to continue to take all necessary measures to accelerate progress in the social and economic life of the Territories. In this connection, the Committee may wish to forward to the specialized agencies concerned a copy of this report and of previous reports, drawing the attention of these agencies to the relevance of these resolutions with the aim of including the Territories in their programmes of work.

A particular provision contained in the Subcommittee report requires a bit of updating. Particular language calls for the specialized agencies in formulating their assistance programmes to take due account of a 1990 text entitled "Challenges and opportunities: a strategic framework". Adopted unanimously by the Meeting of Governmental Experts of Island Developing Countries and Donor Countries and Organizations in 1990, this text has long since been superseded by subsequent events, the most recent of which was the approval of the Programme of Action of the Global Conference on the Sustainable Development of Small Island Developing States, held in Barbados this year, and which many of our Territories attended as observers. We therefore wish that the language in the outdated text be replaced with the updated reference to the Barbados Conference Programme of Action on Small Island Developing States, a Programme of Action which is to include participation by and assistance to many Non-Self-Governing Territories.

My Government also wishes to recommend a new operative paragraph at some stage in the deliberations on the question of dissemination of information on decolonization. In this context, we wish to draw the attention of members to the position of the Department of Public Information, expressed before the Subcommittee in 1993, that the United Nations information centres cannot provide information to the Territories because of what was termed at that time as "diplomatic constraints". Now this misperception, which is still fairly pervasive within the wider United Nations system - and it could very well be of assistance to this Committee to dispel such misperceptions - is particularly critical in the area of information, since, although a number of excellent publications on the self-determination process may be periodically produced at United Nations Headquarters, there is not yet in place a mechanism for disseminating these materials to the very people whom these publications are designed to inform.

We are pleased to note in the report of the Subcommittee on Dissemination of Information on Decolonization before this Committee that action has been taken to disseminate information to the Non-Self-Governing Territories through the United Nations information centres, although we are unsure of how widespread that coverage is. We wish therefore to include a paragraph which requests the Department of Public Information to identify focal points in the Territories such as libraries, universities, Government information offices, United Nations associations and other non-governmental bodies to disseminate relevant information about the United Nations in general, including decolonization, through the respective regional offices of the United Nations information centres.

We have reached a crucial point in the history of the decolonization process. We have also reached a critical point in the history of the Special Committee. The international community made a monumental effort to secure the independence of Namibia and the defeat of apartheid in South Africa. The same level of commitment can and must be devoted to the constitutional and socio-economic development of our remaining small island Non-Self-Governing Territories in the Caribbean and the Pacific. Our fulfillment of self-determination cannot and should not be of a lower priority than that of those who have gone before us.

We recognize that changing economic dynamics and the advent of regional and global economic blocs tend to garner the attention of the international community, while Member States are often told that the decolonization period has all but been completed, in spite of the fact that the requirements of resolutions 1514 (XV) and 1541 (XV) have not yet been met. From the presentations the Committee has heard today it is clear that a lot remains to be done.

In that connection, my Government, over the years, has recommended a number of proactive measures to assist in the effort of accelerating the process of self-determination in the remaining small island non-self-governing developing countries. The centrepiece of such a proactive approach is a willingness to engage in dialogue with the people of those Territories.

In that connection, in order to ensure the maximum input from the Territories, we wish to reiterate the proposal we made several years ago regarding the creation of an expert group composed of representatives of the peoples of the Territories themselves to advise the Secretary-General on the most suitable steps to be taken if we are to meet the deadline of the end of the decade. The Plan of Action of the International Decade for the Eradication of Colonialism could be amended to include the establishment of such a body, which would report to the General Assembly as part of the fiftieth anniversary of the United Nations in 1995.

Our second proposal is that a voluntary fund be established to assist Non-Self-Governing Territories in participating in the technical activities of the United Nations, including the various world conferences in which our Territories are invited to participate. Our Territories cannot currently access the voluntary funds often created for these activities, and although Non-Self-Governing Territories are now gaining observer status in important United Nations world conferences and associate membership in important United Nations specialized agencies, budgetary difficulties often prohibit these Territories from taking advantage of their right to participate.

It is the view of my Government that the United Nations system can meet the needs of the small Territories. These proposals, which could be funded from existing budgetary resources, would facilitate that process. We therefore wish to urge this Committee, and through it the General Assembly, to meet the demands and wishes of the contemporary decolonization process, since that process has not ended, as some would have us believe, but has rather entered a new and more complex dimension, a dimension that requires the direct participation of all parties, including the international community and the administering Powers, but most importantly the peoples of the Territories themselves, who must be included in the decision-making process if the Decade is to be successful.

In closing, we wish to circulate our recommended amendments to the draft report for the consideration of the Committee. We sincerely hope the Committee will be given the opportunity at least to examine our suggestions and will perhaps adopt those that meet with the Committee's approval.

Once again, on behalf of my Government, I wish to thank the Committee, and particularly its Bureau, for agreeing to hear the views of the democratically elected Government of the Territory.

The Chairman *(interpretation from Spanish):* I call upon Rapporteur of the Committee, the representative of the Syrian Arab Republic.

Mr. Al-Attar (Syrian Arab Republic) *(interpretation from Arabic):* We wish to thank Mr. Corbin for the information he has provided, and for his suggestions and proposals aimed at achieving the independence of Non-Self-Governing Territories. We would have liked Mr. Corbin to say something about the situation in his Territory, particularly following the elections. Could he tell us the relationship between the Governor and the administering Power? Who appointed or elected the Governor of the United States Virgin Islands? Since Mr. Corbin is the representative of the Governor, was he elected to his post or appointed by the Governor? This information would assist us in our consideration of this question.

Mr. Corbin: With respect to the relationship between the administering Power and the Governor, or the Government, since 1970 modifications to our political status have permitted the Government, and the Governor in particular as Head of Government, to be elected by all eligible voters in the Territory. Hence, in November 1994 we will have elections for the fifth elected Governor of the United States Virgin Islands, again elected by all eligible voters in the Territory.

With respect to my own post, in our system, members of the Cabinet and other high-level officials are appointed by the Governor. In some cases they are ratified by the legislative body, which we call the Legislature or Senate.

The post I hold is not necessarily ratified by the Senate but is a direct appointment of the Governor. I have served in this capacity under three elected Governments of our Territory. I hope that this response provides some background for the Rapporteur.

Mr. Ardhaoui (Tunisia) *(interpretation from French):* In my capacity as Chairman of the Subcommittee on Small Territories, Petitions, Information and Assistance, I should like to thank Mr. Corbin for having joined us once again to report on the situation prevailing in that Territory. Over the years, Mr. Corbin has become a virtual companion to the Subcommittee. He is a tireless defender of the cause of the Territory he represents, for which I congratulate him.

In connection with the dissemination of information concerning United Nations decolonization activities in his Territory, Mr. Corbin spoke a few moments ago of a misunderstanding between the Subcommittee and the administering Power. I do not believe that there is any such misunderstanding, because the Subcommittee has done its utmost in this respect. It closely examined the issue of information over the course of two - even three - consecutive meetings, in the presence of representatives of the Department of Public Information (DPI).

The Subcommittee as a whole felt that the heads of DPI should be encouraged to make additional efforts in order to ensure that information reaches the peoples of Non-Self-Governing Territories. That, I believe, has been decided and is reflected in the documents that are distributed by the Special Committee. According to our agenda, we shall be considering this question of the dissemination of information tomorrow or, perhaps, later today. Therefore, this is a non-existent misunderstanding. The Subcommittee has done its work. Obviously, though, it cannot do everything, nor can it decide on everything.

Another question raised in part by the representative of Syria, relates to the representatives of the United States Virgin Islands. I concede that there is a difference of interpretation between what the General Assembly seeks in its decisions and resolutions and what the administering Power seeks. By way of example, I might simply mention the problem that has arisen recently. Mr. Chairman, according to correspondence you have received from the Governor of the United States Virgin Islands, Mr. Corbin represents the Territory; therefore, the elected authorities have informed the Chairman of the Special Committee that Mr. Corbin does indeed represent that Territory. The administering Power, which of course will have its say, has responded that Mr. Corbin represents only himself.

We are thus caught in a vicious circle. We have differing interpretations, which have persisted for several years now, and we are unable to extricate ourselves from this situation. Should the United Nations invite Mr. Corbin to participate in the proceedings of the Committee? Should the United Nations pay for the six-day trip of the representative of the United States Virgin Islands? Indeed, this question arises with regard to other Territories as well. It was raised by the representative of Syria in a different guise, but I did wish to refer to it in the recent context of the disagreement between the administering Power and the Governor of the United States Virgin Islands regarding the status of Mr. Corbin.

Mr. Pursoo (Grenada): It is getting late, and I do not wish to detain the Committee, but I take the floor to express some perplexity with the developments regarding the questioning of Mr. Corbin's credentials. Frankly, Mr. Corbin has been representing his Territory for a number of years now, and we are all very familiar with that. In fact, something very strange has happened, it seems, and I wonder if it has happened to other representatives of Territories.

When Mr. Corbin applied to appear as a petitioner before this Committee, apparently questions regarding his credentials were put to the Governor whom he represents. The Governor responded, certifying that Mr. Corbin is legitimate and that he has a right to represent him. But somehow a letter was sent to the administering Power, and I do not know if this is usual. This is the first instance I have seen in which the Governor of a Territory has been asked to certify his representation and another letter has been sent to the administering Power. I do not know if this is the usual practice, but I must reiterate my perplexity at this kind of conduct on the part of whoever in our Committee was responsible for the questioning of Mr. Corbin's credentials in that manner. I am satisfied, as a member of this Committee, that the question has been answered, and answered correctly, and I am very surprised to hear it raised again here today.

Ms. Khan-Cummings (Trinidad and Tobago): I should like to ask Mr. Corbin one question with respect to the Territory's interest in associate membership in the Association of Caribbean States. I should like Mr. Corbin to update the Committee on whether any formal requests have been made to the Caribbean Community Commission in respect to this application, so that the Committee could consider this within the resolution.

Mr. Bangali (Sierra Leone): I too wish to seek some clarification regarding Mr. Corbin's representation of his Territory. Now that we have agreed here in plenary that he is the representative of that Territory, be it *de jure* or *de facto*, I assume that this puts an end to all discussion of reimbursement. Would the Secretariat please inform me if I am correct in that assumption?

The Chairman (*interpretation from Spanish*): I first propose that we would give Mr. Corbin an opportunity to respond to the representative of Trinidad and Tobago. I myself will then make a brief statement. However, before that, are there any other members of the Committee who wish to speak? Since that is not the case, I call upon Mr. Corbin.

Mr. Corbin: I believe there are approximately four statements and/or questions, and I will try to address them. First of all, the Chairman of the Subcommittee made reference to the Department of Public Information and the Subcommittee in relation to the dissemination of information on decolonization.

I believe that perhaps what I said was not specifically clear on this point. However, it was not meant to imply in any way that the Subcommittee was not fulfilling its role in the context of the dissemination of information on decolonization. In fact, in our statement we referred to the important report which is before this Committee today and which refers to some positive movement towards increasing the dissemination of information.

However, the matter still remains that the Department of Public Information does not maintain direct participation with the Territory of the United States Virgin Islands. We are not able to access information from any regional United Nations Information Centre. When we have inquired of the regional centres that service our region, the Caribbean, we have been told that there was no mandate for that office to service us and that there were no resources to service us.

This is why we have recommended that the Committee consider an additional paragraph in the draft resolution to make it clear that the United Nations Information Centres and the Department of Public Information do in fact have a mandate to disseminate information to all Non-Self-Governing Territories, including our own. That was the point of our statement on that particular question.

With respect to the credentials, I find it very difficult personally to discuss a matter that is directly related to me. Suffice it to say that democracy is often relative.

The third point relates to the guidelines on the question of participation. It is very clear that the guidelines which have been approved by this Committee do specifically refer to the participation of elected representatives or their duly authorized representatives, or something of that nature. But my position as a representative of the Governor of the United States Virgin Islands and that of my colleague from Guam, who addressed you this morning as the Chief of Staff of the Governor of Guam, are essentially one and the same.

Moreover, several elected representatives from the legislative branches of the Government of Guam addressed the Committee this morning, and in fact they are in the category of elected representatives. Therefore, based on the guidelines that have been established, the participation of my Government as well as that of the representative of Guam are quite clearly appropriate, as we see it.

Finally, and probably most importantly, is the issue of the Association of Caribbean States, brought up by the distinguished representative of Trinidad and Tobago. It may be recalled, particularly by the Caribbean Community (CARICOM) member States present here in the Committee, that there were a number of discussions with respect to the interests of the United States Virgin Islands in the Association of Caribbean States.

The Secretariat of the Caribbean Community and its Secretary-General were informed of the interest of the Government of the United States Virgin Islands in the Association of Caribbean States. The political relationship that currently exists between the United States Virgin Islands and the administering Power precludes participation in any international organization without the concurrence of the administering Power. At this stage, the territorial Government - my Government - is in the process of initiating consultations with the administering Power on this question.

We do not anticipate that these consultations will bear fruit before the signing of the agreement on 26 July in Cartagena de Indias. However, we do feel that the time would be opportune, following the approval of this document, and it is our intention to proceed with consultations with the administering Power on the question of participation in the Association of Caribbean States. We hasten to add that this is consistent with long-standing United Nations General Assembly resolutions on the participation of Non-Self-Governing Territories in regional organizations. This is the status of that situation.

I hope that I have addressed most, if not all, of the questions that were put to me.

The Chairman (*interpretation from Spanish*): If no other member of the Committee wishes to speak, I would like to say that though I did not occupy the Chair of the Committee when the process mentioned by several members of the Committee began, I am present here at its culmination.

The particularity of this case was simply, as I understand it, that it was the only one where there was a written objection from the administering Power regarding the representative nature of the petitioner. Hence, I think this discussion was valid, and that the concerns and statements expressed by members of the Committee were quite appropriate. In the end, what matters is the decision taken this morning - and which took concrete form this afternoon - authorizing Mr. Corbin to take part in our debates and to express his points of view both on the work of the Committee and on the situation of the Territory he represents.

This demonstrates once and for all that this Committee is not accountable to the administering Powers: we are accountable to the General Assembly. This is the essential point with respect to our work.

I therefore thank Mr. Corbin for having participated in our work and contributed to our discussion. As the representative of Tunisia said, Mr. Corbin has worked with the Committee for many years, and we think that this cooperation must continue, especially for the well-being and self-determination of the people of the United States Virgin Islands.

Question of the Territory of the Pacific Islands

Special Committee decision of 15 August 1991 concerning Puerto Rico

The Chairman (*interpretation from Spanish*): Before taking up the reports of the Subcommittee, I wish to draw the attention of members to *aide-mémoire* 11/94, which was distributed to the Committee on 14 June 1994, relating to the recommendations of the Expanded Bureau on the Trust Territory of the Pacific Islands (Palau) and the Special Committee decision of 15 August 1991 concerning Puerto Rico.

As no comments or suggestions to the contrary were received by 27 June in respect of the recommendations contained in *aide-mémoire* 11/94, I will assume that members are prepared to act on the two recommendations during the present meeting.

In respect to the Trust Territory of the Pacific Islands, I wish to draw members' attention to the following:

> "the Expanded Bureau, taking into account that the Government of Palau held a plebiscite on 9 November 1993 regarding the Compact of Free Association, recommends that the Committee suspend consideration of the Trust Territory of the Pacific Islands until 1995."

May I take it that the Committee agrees with that recommendation?

It was so decided.

The Chairman *(interpretation from Spanish)*: With reference to the Special Committee decision of 15 August 1991 concerning Puerto Rico,

> "the Expanded Bureau notes that there has been an annual discussion in the Special Committee on the question of Puerto Rico, including a hearing of the organizations interested in the question, and the adoption of a resolution after the hearing. As regards the postponement in 1992 of the discussion and decision on the item, it is recommended that this postponement be extended until 1995, pending the outcome of other consultations being held and subsequent steps being taken at various levels by the interested parties that could contribute to a procedural solution of the question. The Expanded Bureau also suggests that the Special Committee give due consideration to requests for hearing on the basis of its usual practice."

May I take it that the Committee is in agreement with this recommendation?

It was so decided.

The Chairman *(interpretation from Spanish)*: In accordance with our programme of work, the Committee will begin consideration of the requests for hearing of the Special Committee decision of 15 August 1991 concerning Puerto Rico on Thursday, 14 July.

Reports of the Subcommittee on Small Territories, Petitions, Information and Assistance *(continued)*

Question of Pitcairn (A/AC.109/L.1813)

The Chairman *(interpretation from Spanish):* In view of the fact that the Subcommittee approved the draft decision contained in the report (A/AC.109/L.1813) without a vote, may I take it that the Committee wishes to do the same?

The Committee adopted the report and approved the draft decision contained therein.

Question of St. Helena (A/AC.109/L.1814)

The Chairman *(interpretation from Spanish):* The Subcommittee approved the draft decision contained in the report (A/AC.109/L.1814) without a vote. May I take it that the Committee wishes to do the same?

The Committee adopted the report and approved the draft decision contained therein.

Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands and United States Virgin Islands (A/AC.109/L.1815)

The Chairman *(interpretation from Spanish):* I call on the Chairman of the Subcommittee on Small Territories, Petitions, Information and Assistance.

Mr. Ardhaoui (Tunisia), Chairman of the Subcommittee on Small Territories, Petitions, Information and Assistance *(interpretation from French):* Earlier, in reference to the United States Virgin Islands, Mr. Corbin mentioned the draft resolution before us. I should simply like to say that this draft resolution has already taken his comments into consideration.

As members know, we met with Mr. Corbin at a Conference in Barbados, where he made some oral comments on last year's resolution and on amendments or modifications he wished to see. I do not wish to say that the draft resolution has met with everything Mr. Corbin desired, but there are several elements that were altered to meet his concerns.

I would have wished to tell him that in person but, unfortunately, he has already left.

Mrs. Khan-Cummings (Trinidad and Tobago): I understand what the Chairman of the Subcommittee has just said, and we did in fact take those comments into consideration.

There is just one thing I would ask here. I thought that, in view of the importance of the Global Conference that took place in Barbados to small island developing States, we might mention the Conference by name in the ninth preambular paragraph. Also with respect to the association of Caribbean States, we might include as one of the organizations in which the United States Virgin Islands has some interests the Organization of Eastern Caribbean States. Since that is another organization within the Caribbean region, it could also be mentioned.

I have just those two small points in terms of reference to organizations.

I am referring to document A/AC.109/L.1815, page 5 in the English version of the document, the ninth preambular paragraph under "General", under the heading

> "A. Consolidated draft resolution on American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat," and so on.

The ninth preambular paragraph now reads:

> "Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation".

To this we would add at the end:

> "and in this connection bearing in mind the Programme of Action of the World Conference on Natural Disaster Reduction, Agenda 21 and the Programme of Action of the Global Conference on the Sustainable Development of Small Island Developing States."

With reference to draft resolution 9, "United States Virgin Islands", which is on page 19 in my document, the third preambular paragraph now reads:

> "Noting also the continuing interest of the Territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community, and its inability, for financial reasons, to participate", and so on.

After the words "the Eastern Caribbean States", we would insert "and the Association of Caribbean States".

Mr. Ardhaoui (Tunisia), Chairman, Subcommittee on Small Territories, Petitions, Information and Assistance *(interpretation from French)*: In my view, the amendments proposed by the representative of Trinidad and Tobago are quite appropriate, and I would have no objection to including the ideas that she has put forward.

Mr. Pursoo (Grenada): I am in full agreement with the recommendations made as regards the ninth preambular paragraph in the consolidated text.

As for the second amendment proposal, with regard to the inclusion of a reference to the Association of Caribbean States, I should like to have a little more time, because I am not so sure that we are not being a bit premature in this particular instance. I should like to find out a little more about the status of that Association. I am not even sure if that organization is properly formed yet, so I should like to do a little research before agreeing to the second proposal.

The Chairman *(interpretation from Spanish)*: I think the proposals made by the representative of Trinidad and Tobago are completely valid. But in view of the importance of the issue and of what the representative of Grenada has said, I suggest that she put her proposals in writing and distribute them to members. Then at a later meeting the Committee can return to the matter and adopt the amendments and the document. That would give greater significance to the decision and make it possible for us to make progress.

If the representative of Trinidad and Tobago will draft the proposals, we shall distribute them to members and take a decision at a later meeting.

Mr. Ardhaoui (Tunisia), Chairman of the Sub-Committee on Small Territories, Petitions, Information and assistance) *(interpretation from French)*: Perhaps because I am sitting near our colleague from Trinidad and Tobago, I better understood the purport of her amendments. The first, about the general text, gives rise to no problems, so I do not see why we should delay its adoption. It is perfectly valid, and there are no problems for anybody.

As to the United States Virgin Islands, we could accept the proposal of the representative of Grenada and wait a little to carry out the necessary research. But we could adopt the first amendment right away.

Mr. Goel (India): I fully understand what the Chairman of the Sub-Committee has said. Unfortunately, I do not know what the amendment on page 5, the new preambular paragraph proposed by the representative of Trinidad and Tobago, is. I am not an expert on Second Committee matters, and I do not know what our positions have been on these various issues. I could comment on some immediately; on some I would have to consult my Second Committee colleague to know what is meant. Therefore, I should like to have the exact language so that I may decide whether I can concur with it right now or whether I need to consult my colleagues on the other Committees. I am sure the request is reasonable. It is not an attempt to delay matters. It is simply an effort to know what we are trying to approve.

The Chairman *(interpretation from Spanish)*: Of course, it is the right of the representative of India to make that request. That is precisely why we are meeting. I request the representative of Trinidad and Tobago to read out the first proposal.

Mrs. Khan-Cummings (Trinidad and Tobago): The proposal is that the ninth preambular paragraph should read:

> "Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation, and in this connection bearing in mind the Programme of Action of the World Conference on Natural Disaster Reduction, Agenda 21 and the Programme of Action of the Global Conference on the Sustainable Development of Small Island Developing States".

Mr. Bangali (Sierra Leone) Vice-Chairman of the Sub-Committee on Small Territories, Petitions, Information and Assistance: I want to endorse the proposal of the representative of Tunisia that we should adopt the first amendment proposed by the representative of Trinidad and Tobago. It is everybody's right to have recourse to references, but we are talking about a World Conference on natural disasters that has just taken place. I believe everybody is familiar with Agenda 21 and the Conference held in Barbados. I do not see anything novel that necessitates postponing the adoption of the first amendment. I endorse the proposal and strongly recommend that we adopt it. If the representative of Grenada is not sure about the Association of Caribbean States, as he comes from that region I would also support what he said.

The Chairman *(interpretation from Spanish)*: Are we in a position to put the first proposal, concerning the ninth paragraph on page 5, to the Committee for consideration?

Mr. Goel (India): Since I am not very familiar with the Programme of Action of the World Conference on Natural Disaster Reduction or the contents of Agenda 21, I should like to ask for clarification as to whether the programme of work of the World Conference on Natural Disaster Reduction and Agenda 21 had specific programmes of action or any specific recommendations in relation to the small Territories. If so, a brief explanation would help me make up my mind. That is what I meant when I said initially that my ignorance was the reason for my unwillingness to go right ahead and say "Yes". Could somebody enlighten me on that?

The Chairman *(interpretation from Spanish)*: Would the representative of Trinidad and Tobago be so kind as to respond?

Mrs. Khan-Cummings (Trinidad and Tobago): I thank the representative of India for his concern. I am not an expert, like him, on the Second Committee, but in general terms the amendment refers to support for small island developing States and to their particular problems in terms of their vulnerability to natural disasters. The Programme of Action deals with financial assistance and support by the international community in looking into their special geographical concerns and giving the kind of assistance that they will need to prevent such disasters. The amendment concerns general financial and technical assistance to small island developing countries. In a general sense, it gives that kind of support.

The Chairman *(interpretation from Spanish)*: With that information from the representative of Trinidad and Tobago, may we consider the paragraph now?

Mr. Goel (India): After that explanation by the representative of Trinidad and Tobago I am sure I will have no difficulty. This is a small point, but I would request her to be patient and give me the time to consult with colleagues who are experts in these matters. As she herself confessed, she is not an expert in these matters; I am not an expert either. Perhaps she will give me another day or two; I am sure there will be no difficulty. It is just that one would like to know exactly what the situation is and have a chance to check with the people who have been dealing with this matter.

The Chairman *(interpretation from Spanish)*: In the interests of getting on with our work, I believe we can accept the proposal of the representative of India and, notwithstanding the favourable response to the two proposals of the representative of Trinidad and Tobago, postpone their discussion and adoption and, later on, take up the document as a whole. That would leave the door open for consultations among delegations and members.

Mr. Bangali (Sierra Leone): The Chair, of course, has the right to make rulings, but I would urge that we adopt this portion of the draft resolution *ad referendum* and come back to the remainder later, if our colleague from India is satisfied. If there are going to be delays on every issue with which members are not completely familiar, and if we have only five days to complete this session, I do not think we are going to make very rapid progress.

I agree that this is a Second Committee matter, with much documentation and many publications on these issues. This is just one among the several committees that many people cover. So let us not delay the work of the Committee any further, but let us adopt this portion: the representative of Trinidad and Tobago was merely making an additional point. Let us not defer taking action at this time.

The Chairman *(interpretation from Spanish)*: Does the representative of India agree to that proposal?

Mr. Goel (India): As I said, I only wanted one or two days; I wish only to be able to say yes or no, not to suggest any amendments or alternatives to the language. Frankly, I do not understand this insistence on adopting something today when, on the reasonable grounds of my lack of information, I am asking for some time: not for one or two weeks, but only for one or two days.

However, I have no difficulty with adopting the text *ad referendum*, so long as I can be assured that in case we have any difficulties I will have the right to come back to this language and say that we do not agree with it.

Mr. Ardhaoui (Tunisia), Chairman of the Subcommittee on Small Territories, Petitions, Information and Assistance *(interpretation from French)*: Needless to say, I respect the position of the representative of India, but in all honesty I do not understand why he has taken that position. The paragraph has no political or economic implications; we all know what it involves, and I do not think it should be the cause of great problems for our colleague from India.

I appeal to the representative of India to help us make progress in our work. With your permission, Mr. Chairman, I would also say to him that it is not good for us to halt our progress whenever a delegation opposes something. The majority is in agreement with the amendment; only one delegation opposes it - and it is fully entitled to do so. We cannot stop for three days: let us adopt the amendment and make mention of the reservations of the delegation of India, as is the United Nations custom.

Mr. Al-Attar (Syrian Arab Republic): I do not think we have a big problem here. Both the Barbados and the Tokyo conferences were related to the development of small island States. To make the best use of our limited time, I too appeal to the wisdom of the representative of India to accept the amendment; we can always return to that paragraph if he has additional observations to make.

Mr. Goel (India): I really do not understand what all the discussion is about. The representative of Tunisia spoke of reservations. I do not think I expressed any reservations. I expressed my ignorance. If ignorance counts as reservations, so be it; that may be one interpretation. I only expressed my ignorance and lack of information about this paragraph; that is the reason I asked the representative of Trinidad and Tobago to enlighten me. She says that she does not have full information on these points, but provided some information. I then suggested that I be given some time to confer with my colleagues who have dealt with this matter in order to learn what this is all about. Most probably, I will have no difficulty at all with the proposal, but I want to know what we are agreeing on.

Then there was a proposal by the representative of Sierra Leone that we agree to this *ad referendum*; I said we could agree to it on that basis, but that I retain my right to come back to this paragraph at a later stage after checking with my colleagues from the economic committees. At that stage, if I find that there is something about which I have concerns, I would come back to the Committee.

Hence, I have agreed with the proposal by Sierra Leone to agree to the text *ad referendum*; I am only making it clear that I reserve my right to return to this paragraph at a later stage after I have obtained more information.

The Chairman *(interpretation from Spanish):* I appreciate the contribution of each of the members of the Committee. Having heard all of the various positions, and with a view to making progress in our work, I feel that we can adopt the proposal of the representative of Sierra Leone and adopt the paragraph *ad referendum*, without prejudice to the position of the representative of India, who agrees to that procedure. Beyond our obvious obligation to follow United Nations rules and practices, we simply want to do our best to preserve unity and further the work of the Committee, which, in my view is so essential.

Since the Subcommittee adopted the text without a vote, it would be most advisable for the Committee to do so as well. We could always take a vote, of course, and each delegation would have an opportunity to express its views in the customary democratic manner.

We shall therefore leave the second proposal pending, and approve the first *ad referendum*.

Question of the dissemination of information (A/AC.109/L.1816)

The Chairman *(interpretation from Spanish):* May I take it that the Committee adopts the report contained in document A/AC.109/L.1816 and endorses the conclusions and recommendations contained therein?

It was so decided.

The meeting rose at 6.15 p.m.

United Nations

A/AC.109/PV.1433

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1433rd Meeting

Tuesday, 12 July 1994, 10.00 a.m.
New York

Acting Chairman: Mr. Remirez de Estenoz Barciela . . . . (Cuba)

The meeting was called to order at 10.25 a.m.

Question of Gibraltar (A/AC.109/1195)

The Chairman *(interpretation from Spanish):* The Committee has before it a working paper prepared by the Secretariat, contained in document A/AC.109/1195.

I wish to inform members that the delegation of Spain has asked to participate in the Committee's consideration of this question. In accordance with established practice and if I hear no objection, I shall invite the delegation of Spain to take a place at the Committee table.

At the invitation of the Chairman, Mr. de Zulueta (Spain) and members of his delegation took a place at the Committee table.

The Chairman *(interpretation from Spanish):* Similarly, I wish to inform members that the Chief Minister of Gibraltar, the Honourable Joe Bossano, has asked to make a statement. In conformity with the usual practice, I propose, with the consent of the Committee, to invite him to do so.

It was so decided.

At the invitation of the Chairman, Mr. Joe Bossano, Chief Minister of Gibraltar, took a place at the Committee table.

The Chairman *(interpretation from Spanish):* I now call on the Chief Minister of Gibraltar.

Mr. Bossano: Thank you, Sir, for giving me the opportunity once again to address the Special Committee on behalf of the people of Gibraltar. I should like first to take this opportunity to place on record my appreciation for the warmth of the reception I had from your predecessor, Ambassador Renagi Renagi Lohia, on my first appearance before this Committee in 1992 and indeed on my second one in 1993.

I can assure the Committee that I was made to feel at home and among friends from the first day I came. That encouraged me to look to this Committee - and it encouraged the people of Gibraltar to look to this Committee - as the forum where we could express our deep-seated feelings on having our right as a colonial people recognized and vindicated.

I should like to say that I have reported this back in Gibraltar faithfully. Indeed, the text of my presentation and my appearance before the Special Committee have been transmitted by Gibraltar television and widely covered by our own press. In doing this, I believe we have been making a small contribution towards the fulfilment of General Assembly resolution 43/46 of 22 November 1988 on the dissemination of information on decolonization, which called for widespread and continuous publicity to be given to the work of the United Nations in the field of decolonization and in particular to the work of the Special Committee - a resolution, of course, which the administering Power voted against but which the territorial Government in Gibraltar fully supports.

Since my last appearance before this Committee, the General Assembly has adopted another resolution on the

This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

dissemination of information on decolonization: resolution 48/53 of 10 December 1993. This new resolution, adopted some six months ago, again did not enjoy the support of the administering Power. The resolution reiterated many of the sentiments expressed in the one I referred to earlier. In addition, it requested the Secretary-General to seek the full cooperation of the administering Power in a number of areas and to increase the information about the territories under consideration by the Special Committee. It highlighted the importance of publicity as an instrument for furthering the aims of the Declaration on the Granting of Independence to Colonial Countries and Peoples and of the role of public opinion in effectively assisting the peoples of the colonial territories to achieve self-determination and independence.

I believe that my appearance before this Committee serves to assist the aims of that resolution. Indeed, I would ask the Committee to look at the working paper prepared by the Secretariat. They will see how I have consistently, on behalf of my people - not just before the Special Committee and the Fourth Committee, but at every other opportunity that I have had to speak internationally - made the same point. The support of my people for the eradication of colonialism by the year 2000 and the desire of my people to cooperate fully with the Special Committee in achieving this end, I think, help to create a climate of public opinion propitious to the recognition of the inalienable right of the people of Gibraltar to self-determination, which I believe is what the resolution aims to do.

The General Assembly adopted another resolution, resolution 48/52, on the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples, also on 10 December 1993. I will make reference at this point to just one element of this other resolution, because I believe it is linked to the question of dissemination of information on decolonization.

Paragraph 11 of resolution 48/52 also called upon the administering Powers to continue to cooperate with the Special Committee in the discharge of its mandate and to receive visiting missions to the Territories to secure first-hand information and ascertain the wishes and aspirations of their inhabitants.

This resolution again was not supported by the administering Power. But it has the support of my Government - the territorial Government. I regret to have to inform you, Mr. Chairman, that although my Government has requested the administering Power to make the necessary arrangements to issue an invitation for a mission of the Special Committee to visit our country to secure first-hand information and ascertain the wishes and aspirations of its inhabitants, the proposal has been declined.

Although I appreciate that the resolution calls upon the administering Power to do this, I would put it to the Special Committee that it does not prohibit the territorial Government of the Non-Self-Governing Territory from actually, on its own initiative, issuing such an invitation, and I wish to take this opportunity to do so now, formally and openly. I believe that there is no better way of proving to this Committee the accuracy of the information that I am providing to assist it in carrying out its mandate than to give a delegation of the Committee an opportunity to come to Gibraltar and to establish the reality of our situation and the reality of our identity as a people, at first hand and for themselves.

There is much in resolution 48/52 which seems to us to be of direct relevance to the colonial situation in Gibraltar. Let me say that my Government is enormously encouraged when it reads in paragraph 4 of the resolution that the General Assembly affirms once again its support for the aspirations of the people under colonial rule to exercise their right to self-determination and independence. It is now 30 years since the Committee was made aware of the aspirations of the people of Gibraltar to exercise their right to self-determination. Let me say that those 30 years have not weakened our resolve, but, on the contrary, have made us more determined than ever to ensure that nobody takes this right away from us.

There is nothing in resolution 48/52 to suggest that Gibraltar is in any way different in this respect from any other colonial Territory. As I pointed out in my previous appearances before the Special Committee, in 1992 and 1993, there are many instances where the universality and applicability of the paramountcy of the principle of self-determination over every other competing criterion has been asserted again and again. Yet I feel I should expand on this particular point to be able to satisfy the Special Committee of the real identity of the people of Gibraltar and to expose once and for all the fallacy of the arguments used, a quarter of a century ago, to try and deny us this right. I am doing this with paragraph 10 of the resolution particularly in mind. It requests the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out those actions requested by the General Assembly regarding the International Decade for the Eradication of Colonialism in all Territories that have not yet exercised their right to self-determination and independence. Paragraph 10, in particular, asks the Special Committee to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its forty-ninth session.

I said earlier that there was much in resolution 48/52 which was directly applicable to Gibraltar. Reading the wording of this resolution, of 10 December last year, I do not think anybody can come to the conclusion that it is anything other than what it is - a request addressed to your Committee, Mr. Chairman, by the General Assembly to come up with proposals solely and exclusively from the perspective of giving effect to the right to self-determination and independence of the colonial peoples in each of the 18 Non-Self-Governing Territories, in respect of which the Special Committee continues to have a mandate. I have just referred to the specific request in paragraph 10 of the resolution. If you will bear with me, Mr. Chairman, I will quote what paragraph 10 (a) asks of this Committee:

> "To formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its forty-ninth session".

In paragraph 10 (d), the Committee is asked

> "To continue to pay special attention to the small Territories, in particular through the dispatch of regular visiting missions",

to which, of course, I have already referred, when I made it clear that such a visiting mission would be very welcome as far as the territorial Government is concerned. The paragraph goes on to ask the Committee

> "to recommend to the General Assembly the most suitable steps to be taken to enable the population of those Territories to exercise their right to self-determination and independence".

I attach enormous importance to those words. I would like to make sure that I am pre-empting in my submission to the Special Committee any possible attempt to get this Committee to put any proposals to the General Assembly at its forty-ninth session on any other basis than that which is requested by the resolution. The resolution does not call on the Special Committee to question the right to self-determination of any of the colonial peoples because of territorial claims from neighbouring States.

I put it to you, Mr. Chairman, that in deliberating, as you undoubtedly will be doing in your Committee, as to how you respond to this request, and as to what specific proposals your Committee decides to make to the General Assembly in respect of each one of the Territories where there continues to be a manifestation of colonialism, the only point which the General Assembly has asked the Committee to consider in these deliberations is what is the best way in which the people of the Territory will be enabled to exercise their right to self-determination. I put it to you, Mr. Chairman, that any attempt to treat Gibraltar differently - to say to the Gibraltarians, "In your case we are talking about a territorial claim dating from 290 years ago" - would not be a way for the population to exercise its inalienable right to self-determination; on the contrary, it would be a way of perpetuating colonialism and denying it the right of self-determination. That, in fact, would be a negation of resolution 48/52 and a negation of the task of the Special Committee.

The position of my Government, repeated on every conceivable occasion, whenever I have appeared before this Committee and at every other opportunity, has been that it is impossible to have decolonization without self-determination. Decolonization does not take place until the exercise of self-determination by the native population of the colonial Territory has manifestly and independently been given effect. I am highlighting this particular element above all others, as the Committee can see, because this is the most important task that I have to carry out this year in my presentation to the Special Committee on behalf of my people to ensure that we do not have, or that we do not run the risk of having, a repetition of the mistakes of the past, which would make the achievement of Gibraltar's decolonization less, rather than more, likely to happen.

Although, unlike the administering Power, the Kingdom of Spain voted in support of resolution 48/52, we all know that it has argued that the principle of self-determination is not applicable in our case. This is an argument that we refute, an argument that was first paraded here 30 years ago. And therefore, with the Committee's indulgence, I should like to demonstrate the total inapplicability of that argument today, if, indeed, there was ever any substance in it 30 years ago.

I genuinely believe that if less than due regard was paid some 25 to 30 years ago to our people's right of self-determination, it was because the picture of Gibraltar was coloured by the predominance of military activity in the structure of the economy.

In my appearance before the Fourth Committee on 12 October 1993, I drew attention to this when I pointed out that in 1967, before that same Fourth Committee, the Spanish Government, when challenged by the British Government to state whether Spain would accept self-determination for Gibraltar, responded that the United Kingdom should first dismantle its military presence and then Spain would be willing to answer the question. I pointed out that the military presence had been dismantled in the intervening 30 years and that there was no obvious indication that Spain's position on the rights of the people of Gibraltar had changed.

I should like to draw on a reference to expand on this point. It is a statement made by the Spanish Government on 18 May 1966 in a note containing proposals for Gibraltar's decolonization and making reference to the people of Gibraltar. I pick this reference because the Committee may be better equipped than I to assess its significance. We were described in that statement as an artificially constituted human group. The statement said:

> "Gibraltar is also a human aggregate, and this is another aspect of the problem. Great Britain's pretension is today that the inhabitants of the Rock should decide upon its future, thus linking by the method of self-determination the Territory with its inhabitants; this basically alters the original terms of the situation, which was that of a bilateral relationship between England and Spain, but from which, however, Spain has been excluded for the benefit of a third party. But this third party is not valid because Gibraltar is merely a military base, and a base can only belong either to a country that occupies it or to the country in whose territory it stands. Anything else would be as absurd, for instance, as to maintain that the American base at Guantanamo in Cuba, should stop being American, without reverting to Cuba either, but should have its fate decided by an alleged population living there."

I am not familiar with Guantanamo in Cuba, but I can state with assurance that there is no military base to speak of in Gibraltar; that the people of Gibraltar have got a sense of identity that stretches over 290 years; that that identity is stronger today, with no military base, than it was in the 1960s with a military base; and that I have no doubt, Mr. Chairman, that if you visited us, as I should like you to do, you would come to that conclusion yourself.

One of the developments in the Territory since I last appeared before the Committee has been the creation of a public holiday to celebrate our National Day on 10 September. I referred to this in my appearance before the Fourth Committee in October 1993. There are two factors that I would like the Special Committee to consider in relation to our National Day. The celebrations on Gibraltar's National Day produced, as the Committee will see reflected in the informative booklet that I am making available to members, an explosion of sentiment.

It was a celebration by a people finally coming of age and expressing the kind of feeling that we have seen reflected in other parts of the world in the process of decolonization - the kind of celebration we saw in the streets of Cape Town with the ending of apartheid. It was a day of friendship, a day for families, a day when the people of Gibraltar were telling the whole world that they were not just a human aggregate clinging to a military base, but a real people with a real destiny.

Another feature of that day was the presence of a number of political figures from our neighbouring country, the Kingdom of Spain, who joined us and celebrated with us. In what is known as the Casemates Declaration, because it was read out at a mass meeting in Casemates Square in Gibraltar, a number of representative organizations from various regions of Spain gave their support to the right of self- determination of the people of Gibraltar. In that Declaration, the Spanish organizations stated:

> "We express our firm support to the people of Gibraltar for their right to self-determination and decolonization, on the basis that it is only the people of Gibraltar who can decide their future political status, over and above the interests of Madrid and London and the Treaty of Utrecht, including the option of independence should the people of Gibraltar so decide."

I genuinely believe that even though the official position of the Kingdom of Spain has not changed - as we will hear shortly, no doubt - a wind of change is blowing through Spain that is inexorably bringing that country face to face with the reality of the identity of the Gibraltarians and of their right to self-determination as the only route available for eliminating the anachronism of a colony in Western Europe.

What happened in 1993 was in some respects the culmination of a process which started as long ago as 1945, and again, I reflect this in the informative booklet that I am making available. During the Second World War, the bulk of the civilian population were evacuated from the colony by the administering Power in order to accommodate more armed forces in the fight against fascism. The Gibraltarian women and children - and I was one of them, only a few months old - who left their homes did so acknowledging that that was their contribution to the war effort. However, after the war, it took a struggle to get Gibraltarians repatriated from the places to which they had been transported - from London and from camps in Jamaica, in Madeira, and in Northern Ireland. If the people of Gibraltar had not already been a real people, if they had been, as we were described in 1966, an artificially constituted human group, they would have had no difficulty in taking root in the places that they had been transported to.

The genesis of politics in Gibraltar in the civilian population was the drive to be brought back home. And that sense of identity which coalesced in the return to our homeland was kept alive and has evolved today into a very clear concept that we will not be moved from our determination to get recognition for our country. It was this civil-rights movement that led to demands for local autonomy and for self-government in the early 1950s. It was the same sentiment that existed contemporaneously in every other colony seeking self-determination. That process continued until the constitutional changes of the 1960s.

There has been, since the 1969 Constitution, little change to the legal status of Gibraltar and the legal relationship with the administering Power. In my judgement, it is the hostility of our neighbour to further constitutional development that has been the influencing factor.

I put it to this Committee that, apart from the ultimate goal of decolonization and the exercise of self-determination, the continuing process of increasing self-government is part of the philosophy of the Special Committee, of the Fourth Committee and of the United Nations. It was on this basis that my Government in 1992 told the administering Power that since we believed that a Constitution that had remained unchanged for 25 years no longer adequately reflected the reality of the responsibilities that the territorial Government bore for the economy, for the welfare and for the development of our country, it had to be addressed.

An aspect of the constitutional relationship with the United Kingdom on which members of this Committee focused in the 1960s in parallel to their concern about the military presence was the question of the reserve powers of the military Governor of Gibraltar. The Committee was told at that time that those reserve powers had never been used, nor were they likely to be. Those reserve powers remain in the Constitution of 1969, and again, although the powers are there, it has been stated on more than one occasion that it is inconceivable that they would actually be put into operation. Just such a point was made by the Governor of Gibraltar, Sir Derek Reffell, in March 1993 in an interview in the *Gibraltar Chronicle* on his departure from Gibraltar, when he stated that the use of the reserve powers in today's world was unthinkable.

Returning to the text of resolution 48/52 of the General Assembly, paragraph 8 calls upon the administering Powers to terminate military activities in the Territories under their jurisdiction and to eliminate military bases there, in compliance with the relevant resolution of the General Assembly. I would like to draw the attention of the Special Committee to some effects of this military rundown.

In the informative booklet that I am providing to the Special Committee, the effect of this can be seen in dramatic terms. The economic input of that military presence has been reduced from 65 per cent of our gross domestic product in the 1960s to approximately 9 per cent today. Only last week, the Ministry of Defence announced that there would be further reductions, which would result in a decline of the military base to 3 or 4 per cent of the gross domestic product and employment by the year 2000.

I am absolutely confident of our ability to survive economically and to provide our people with a secure future, given an equal opportunity to compete without harassment by the neighbouring State, and given the technical and financial assistance by the administering Power necessary in order to introduce the needed changes in the structure of our economy. This is not to say that the reductions that have already taken place have not given rise to difficulties in our country. I would like to draw the attention of the Special Committee to some effects of this military run-down.

The military withdrawal has an impact on the release of assets and land. However, my Government has limited resources at its disposal for transforming obsolete military buildings and installations into income-generating and job-creating activities in the short term; moreover, such buildings are sometimes released faster than other uses for them can be found. They very quickly become liabilities on the limited resources of the Government of the Territory. I am spelling this out to show that there are difficulties.

Recently we have set up a Joint Economic Forum together with the administering Power to look at the resources, human and physical, that will become available as a consequence of the transfer of lands to the territorial Government and to analyse what is required in order to bring about inward investment and generate alternative economic activities to substitute for the input previously provided by British defence expenditure in Gibraltar. This process has been going on for a very short time; it started only a few months ago. Nevertheless, it is the way we believe the matter should be tackled, based on the concept to which the British Government subscribed in the London Conference on Dependent Territories last November, which is referred to in the Secretariat working paper (A/AC.109/1195).

The view I expressed at that Conference, for the record, was that the administering Power, in relation to the colonial Territory, had a trusteeship role for which it had to answer to this Committee, to the Fourth Committee and to the General Assembly. Frankly, my concern is that in our experience of the bilateral negotiations between the administering Power and the Kingdom of Spain, areas of common interest for both parties are often closely scrutinized, while the wishes of the people of the colonial territory, and indeed their interests, are relegated to second place. The fact that we are not a self-governing territory does not mean, as far as my Government is concerned, that others have the right to govern us. It means that others are acting *in loco parentis* on our behalf and assuming a protective role until we are strong enough to be able to govern ourselves.

I come now to the much-vaunted bilateral negotiating process which the administering Power and the neighbouring country have been intermittently engaged in since the 1960s, in pursuance of resolutions calling on them to meet to discuss Gibraltar's future, and which clearly has now come to a stalemate. I have previously expressed the hope in my submissions to this Committee and to the Fourth Committee that the words of His Majesty the King of Spain about looking for a solution "in accordance with the times in which we live" were an indicator of a growing realization by the political establishment in the Kingdom of Spain that it is not possible to decolonize without the exercise of the right of self- determination. I regret to say that that goal today seems no nearer than it did in the 1960s. At the same time I have to say that we have no intention on giving up on that goal.

The Committee will have seen in the Secretariat's working paper the resolution passed by the democratically elected Parliament of the Kingdom of Spain on 20 April 1994. It reads as follows:

> "The Congress of Deputies urges the Government to take all necessary measures to regain the exercise of Spanish sovereignty over Gibraltar and to eliminate the British colonial presence." *(A/AC.109/1195, para. 31)*

It was adopted with one vote against, and one abstention.

What precisely in the minds of Spanish parliamentarians is the British colonial presence in Gibraltar today? Is it the shrinking military presence programmed virtually to disappear by the end of the century? Is it His Excellency the Governor with his reserve powers? Or, I ask myself, is it me and my people, because even today they consider us to be an artificially constituted human group, denied the inalienable human right to self-determination?

The bilateral process begun in 1985 between the administering Power and the neighbouring country provides for annual meetings between the Foreign Ministers of both countries, in each other's capitals, alternately. The last such meeting took place in March 1993. To date, there has been no meeting in 1994, and it looks unlikely that there will be one.

Mr. Solana, the Minister for Foreign Affairs of the Kingdom of Spain, reporting to the Foreign Affairs Committee of his Parliament, said that no date had been fixed for the next ministerial meeting and indicated that they were looking to the administering Power to come forward with concrete proposals before a further meeting was held.

Again, I have to be absolutely sincere with this Committee. We will shed no tears because the negotiating process initiated as a result of the Lisbon Declaration and the Brussels Agreement collapses. We have been opposed to it from the beginning, for reasons I made clear in my submissions to the Special Committee in 1992 and 1993 and again before the Fourth Committee.

The Spanish Government made specific proposals in 1985 to the administering Power for the decolonization of Gibraltar which were eventually rejected in 1993. We have never understood, in my Government and my party, why it should take Her Majesty's Government eight years to reject proposals which denied the people of Gibraltar the right of self-determination and, by definition, were in conflict with the consistently defended position of the British Government of respect for the wishes of the people of Gibraltar as enshrined in the Preamble to the Gibraltar Constitution.

What is manifest is that, whether the negotiating process comes to a grinding halt now or staggers on from year to year as it has done in the recent past, it is doomed to failure. This is because, as I have explained, the process is fundamentally flawed. It is a bilateral mechanism which carries implicit in it the abdication by the inhabitants of the colony of their fundamental rights. And that abdication is not going to happen.

Let me demonstrate just how counterproductive the negotiating process has been. The General Assembly, in its consensus decision 48/422 of 10 December 1993 - which, in fact, was a repetition of similar decisions of preceding years - makes reference to the bilateral negotiating process established as a result of the statement agreed by the Government of Spain and the Government of the administering Power at Brussels on 27 November 1984. This Committee is aware that the Brussels statement of 1984 has been consistently opposed by my party: in opposition and in Government. The Committee is also aware that the Government of the Territory led by me since 1988 has not participated in that negotiating forum. I explained that in detail in my first appearance before the Committee in 1992.

In 1993, I drew the attention of the Committee to the creation of an Economic Co-ordination Council set up by my Government with the neighbouring cities of the region. I explained that the aims of the Council were to establish and promote cooperation between ourselves and the neighbouring parts of southern Spain. I will not repeat what I had to say then, but I would simply highlight for the benefit of the Committee that this in fact was an initiative of Gibraltar aimed at promoting cooperation on a mutually beneficial basis with our neighbour without political strings attached and therefore outside the parameters of the so-called Brussels process. I regret to have to report that the work of the Economic Co-ordination Council was suspended in November last year and that on present indications the prospects of its being resumed and continued are not good. The initiative for not continuing with the work of the Council came from the Spanish participants. I have therefore to digress slightly to explain how this came about.

The Committee is well aware of the significance of the military presence in Gibraltar in the 1960s. It is aware that, at the time, part of the argument being put by the neighbouring country was that the maintenance of such military installations was possible only because the administering Power was drawing on the labour resources of the adjoining Territory. This was in fact quite true. There is no doubt that the decision of the regime in Spain at the time to impose a siege on Gibraltar was designed as much against the viability of the military installations by cutting off labour resources as it was to intimidate and weaken the resolve of the Gibraltarians to defend their inalienable right to self-determination.

One effect of the withdrawal of the Spanish workers was that they stopped paying contributions to the State Social Security System in Gibraltar in 1968. Their contributions before that year were sufficient only to finance payment of pensions at the rates prevailing then. On 18 December 1985, during the annual ministerial meeting held in Madrid under the bilateral Brussels process, there was an announcement on this issue. The United Kingdom delegation stated that, beginning in 1986, those former workers from Spain would receive pension payments revalued to the current rate payable to those who had continued in employment in Gibraltar after 1968. The effect of this was to increase the annual expenditure on State Social Security pensions by 125 per cent.

The additional funds were provided by the administering Power for a limited period and the Government that preceded mine in Gibraltar and had formed part of the United Kingdom delegation made clear from the very beginning in 1985 that such payments could only be sustained for as long as the necessary funding was provided by the administering Power. The payments in question were exhausted in December of last year and this is what sparked off in November the decision of the municipalities of the area to withdraw their participation in the Economic Co-ordination Council. We have therefore an example of how an initiative by my Government to further cooperation with the neighbouring cities in the region has been frustrated because of extraneous events stemming from the Brussels process.

Another example is in the area of maritime communications between Gibraltar and Spain. The daily ferry service between ourselves and the Port of Algeciras in the Bay of Gibraltar was discontinued in June 1969 as part of the campaign by the then- fascist Government in Spain dissatisfied with so-called progress in the bilateral talks then being conducted with the administering Power. In the bilateral talks with the democratic Government in Spain in November 1984, an undertaking was given by the Kingdom of Spain to permit the restoration of the Algeciras-Gibraltar ferry service. This was reflected in the necessary Spanish legislation, which was published on 4 February 1985, removing all prohibitions. Subsequently, however, applications to operate the service were all administratively rejected. In December 1987, in the bilateral talks between the administering Power and the Kingdom of Spain, the democratic Government of Spain again signed an agreement giving a commitment to permit the restoration of the ferry service. To date, all applications continue to be administratively rejected.

The third example is what occurred in November 1987. As is known, an agreement was signed between the United Kingdom and the Kingdom of Spain over the use of Gibraltar's airport. Although the previous Gibraltar Government formed part of the United Kingdom delegation, it did not support the terms of the agreement and it has never been implemented. The Spanish response has been for its Foreign Secretary to demand repeatedly that the administering Power should ignore the fact that a clause in the 1987 airport agreement made it *ad referendum* to the Gibraltar Parliament and instead impose it.

The Spanish Government has on a number of occasions highlighted the fact that the continued existence of reserve powers for the Governor in Gibraltar's Constitution, to which I referred earlier, provides a mechanism for the administering Power to give effect to the 1987 airport agreement. For its part, the administering Power has made it clear that it does not accept the Spanish view and that it will not, under any circumstances, attempt to impose the agreement on the Territory against the wishes of the democratically elected Government.

These examples show how the presence of the Gibraltar Government as part of the United Kingdom delegation, but without its own independent voice, has led to situations which are diametrically opposed to the intended results. Additionally, the Brussels-process bilateral negotiations have demonstrated that where an agreement is reached with the Kingdom of Spain in an area which is entirely under its control there is no guarantee that it will be honoured. Rather than mutually beneficial cooperation, we have had increasing strains in the tripartite relations between the administering Power and the Kingdom of Spain on the one hand; between Spain and ourselves on the other; and between ourselves and the United Kingdom in turn. What more evidence do we need to show the flaws in the process that was agreed in the Brussels statement of 1984?

In summary, since the statement was made in Brussels in November 1984 the specifics have been: first, a commitment given by Spain to permit the restoration of maritime communications with my country interrupted on 27 June 1969, a commitment translated into an amendment to Spanish law, removing the prohibition given effect in February 1985, but subsequently administratively blocked by the Kingdom of Spain not giving the necessary permits; secondly, a commitment given by the United Kingdom to finance the payment of revalued pensions, which in December 1985 was assumed by Spain to be open-ended and which has now lapsed, causing hostility and friction with the neighbouring communities; and, thirdly, an airport agreement on terms which initially were publicly rejected by the United Kingdom Government and Gibraltar and then accepted six months later by the United Kingdom alone without Gibraltar's support, thus creating, again, a major strain in the tripartite relationship.

The resentment of the Kingdom of Spain over this situation which, in its eyes, has meant that its expectations have not materialized, has led to a paradox which I have previously drawn to the Committee's attention. It has caused the Government of the Kingdom of Spain simultaneously to complain about the anachronism of the continuing colonial situation in the Territory and to complain that the administering Power is being insufficiently colonial in not being willing to impose unacceptable agreements on the people of Gibraltar. Precisely such a complaint was made by Señor Solana when he addressed the Spanish Parliament in April this year, when he said that what was unacceptable about the ongoing discussions between his Government and the Government of the United Kingdom was that the Gibraltarian Government had a veto over the negotiating process.

The complaint of Señor Solana exposes the flaw in the annual resolutions of the General Assembly and the flaw in the approach of the Kingdom of Spain. In such a context, the solutions that might appeal to the administering Power or to the neighbouring country might be economically, socially or politically impossible for the Government of the Territory to countenance. In that situation, with a colonial Constitution where ultimately there are reserve powers which enable the administering Power to impose its will, it is still, in theory, possible that such powers might be exercised. Let me make it clear that I am not suggesting for one moment that such a scenario is one that we are facing. The use of the reserve powers is unthinkable, and I cannot for one moment imagine that the Government of the United Kingdom would even attempt to impose decisions in any area on a democratically elected Government of the people of Gibraltar.

I have tried to give the Special Committee a flavour of how things have gone for us in the 12 months since my last appearance before it. We have had our successes in deepening the identity of our people and in winning some friends in the neighbouring country. We have had our difficulties in coping with economic change, and in the repercussions of these changes in relations within our community and with our neighbours.

In these circumstances, the people of Gibraltar have of necessity to look to the Special Committee as the entity in the family of nations that has a particular responsibility for their welfare and their destiny. I put it to you and to your Committee, Mr. Chairman, that, whatever views you express on Gibraltar, your primary objective must be the protection of the inhabitants of the Territory and the defence of their inalienable and fundamental rights, which has been the mission of this Committee since its inception, and which will continue to be its mission if it is to achieve its goal of the eradication of colonialism by the end of the century.

I started, Mr. Chairman, by praising the warmth of the reception that I had from your predecessor, when I first appeared, with some trepidation, before the Committee in 1992. Today I speak with confidence built up over my previous appearances. I look to this Committee as a protector of my country and of the rights of my people. I thank you and the other members for your patience in listening to me. I hope you will take up our invitation to visit us. I will be happy now, as always, to answer any questions that you or other members of your Committee may wish to put to me.

The Chairman *(interpretation from Spanish):* Does any member of the Committee wish to make any comments or ask any questions? If not, I shall then thank the Chief Minister of Gibraltar for the information he has provided.

Mr. Bossano withdrew.

Question of the Falkland Islands (Malvinas) (A/AC.109/1198 and A/AC.109/L.1819)

The Chairman *(interpretation from Spanish):* I wish to inform members of the Committee that the delegation of Argentina has expressed its desire to participate in the Special Committee's consideration of this question, and this request is now before the Committee. In accordance with past practice, and if there is no objection, I shall invite the delegation of Argentina to take a place at the Committee table.

At the invitation of the Chairman, Mr. Guido Di Tella, Minister for Foreign Affairs of Argentina, and members of his delegation took a place at the Committee table.

Hearing of petitioners

The Chairman *(interpretation from Spanish):* I should like to draw the attention of Committee members to the draft resolution on this question contained in document A/AC.109/L.1819. It is my understanding that the working paper prepared by the Secretariat will be published shortly.

In accordance with the requests for hearing granted at our 1431st meeting, I shall now invite Mr. Scott to take a place at the petitioners' table and to address the Committee.

At the invitation of the Chairman, Mr. Juan Scott took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mr. Scott.

Mr. Scott: I once again thank the Committee for this opportunity to address it.

Although I speak as an Argentine citizen, my grandparents were born and raised in the Malvinas Islands. Later, taking advantage of Argentine hospitality, they settled in the southern part of the Argentine mainland, where, as sheep farmers, they were allowed to occupy over half a million acres of land. Later they owned half that amount. I myself still own part of that land that many years back was facilitated by the Argentine Government to those Islanders who had decided to come over to the mainland in search of economic progress. This is one of the many episodes that show a right image of how, historically, relations have developed between continental Argentina and the Malvinas Islands, relations in which the mainland has always shown a disposition to favour the inhabitants of the Islands and a feeling of solidarity with them.

At present, the understandings in the framework of the South Atlantic Fisheries Commission are giving my country a new opportunity to show its good will and enjoy a closer collaboration with the Islanders, who are the principal beneficiaries. Argentine and British delegations are meeting this week in Buenos Aires in order to find new ways of cooperating in the exploration and exploitation of hydrocarbons.

Another area of cooperation could be farming, because of its economic importance to the Malvinas. Argentina has the possibility of offering meat-related industries only a few miles from the Islands - for example, in Río Gallegos - and would be willing to collaborate with breeders of the Archipelago so as to increase their economic negotiating power.

During the month of March 1995, the city of El Calafate, in the Province of Santa Cruz, located a short flight from the Islands, will be the scene of the tenth World Corriedale Conference. Corriedale is, along with Merino, one of the most important breeds of sheep raised in the world. Representatives and farmers of nearly 20 countries will participate. At the same time, a rural show will take place. Farmers of the Malvinas Islands would be very welcome at both events. I am convinced that this sort of mutual cooperation on practical matters extends confidence and builds the right course, paving the way to a future solution of the Malvinas/Falkland question.

Year after year, representatives and petitioners reassert before this Committee Argentina's rights of sovereignty over the Islands, and Argentina's political will to find a solution to the dispute through a peaceful settlement with the United Kingdom. The United Nations has urged both sides to negotiate a solution. This implies that the present state of things is contrary to the purposes and principles of the Organization. Many people and institutions in Argentina and in Great Britain have expressed the wish to reach some kind of settlement that will take into account the concerns and interests of both sides and of the Islanders.

The Falkland/Malvinas issue is not only a controversy over sovereignty but also a dispute that has been very clearly defined by General Assembly resolutions as a special case of decolonization. Petitioners from the Islands' legislative council, trying to prove the validity of the reasons for their opposition to any solution to the issue, have explained on many occasions that they have the right to self-determination.

To presume that the inhabitants of the Malvinas Islands should be the exclusive arbiters in the solution of the dispute would make a mockery of the decolonization process and distort the nature of the principles of self-determination and territorial integrity. The principle of self-determination cannot be applied in order to consolidate situations flowing from a colonial anachronism to the detriment of Argentina's legitimate rights over the Islands.

It is very clear that a country cannot seize the territory of another, drive off the settlers of that territory, settle its own subjects there and then claim for them the right to self-determination.

Last year, Argentina's Minister for Foreign Affairs mentioned before this Committee his Government's willingness to fully respect the islanders' supreme interests. A formal compromise, with the United Nations acting as a guarantor, could be a valid instrument to guarantee the Malvinas inhabitants that the day the islands are restored to Argentina, there will be total respect for and preservation of their lifestyle, property, customs, education, language, religion, economic practices, currency and so on. The only valid changes should be aimed at bringing prosperity to the Islands.

The Argentine Constitution foresees a far greater degree of autonomy for its provinces than the present Constitution of the Islands does, providing for the nomination of the State provincial Governors. This means that with Argentina, islanders would have more freedom to choose than they do now and would virtually govern themselves. It is of the utmost importance to know precisely which are the safeguards that the inhabitants of the Malvinas consider necessary for the protection of their lifestyle and traditions.

I hope that our ideals of peace, progress and cooperation will permit us to renew contact between the Malvinas and continental Argentina. Our lack of relations is irrational and inconsistent with the goodwill and friendship we should have in the area and makes it difficult for Argentina and the United Kingdom to reach an acceptable compromise. It is my wish that the worthy efforts of this Committee will put an end to all forms of colonization in the world and that this will lead the Argentine Republic and Great Britain to resume negotiations and reach a settlement on the dispute favouring peace and progress in the South Atlantic region.

Mr. Samana (Papua New Guinea): I should like to obtain some clarification on an important point that

Mr. Scott has raised. I should like to know the number of Argentine people who originally lived on the Malvinas and were driven out.

Mr. Scott: That goes back to January 1833. If you have read the history of the Falklands, you will know exactly how many people were there at that time. It was not a very great number of settlers, including settlers from other countries.

Mr. Samana (Papua New Guinea): I take it, then, that the number of people driven out in 1833 was about 25?

Mr. Scott: I could not give you the exact number, but it was approximately 25.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Ricardo Patterson took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mr. Patterson.

Mr. Patterson *(interpretation from Spanish):* First of all, I should like to express my thanks for this opportunity to speak to this Committee and for the acceptance of my request to speak as a petitioner before the Committee during its consideration of the Malvinas question.

My name is Ricardo Ancell Patterson. I am 36 years old and am married, with three children. I am an engineer in the agriculture and livestock sector, and at the present time I represent the people of the Province of Santa Cruz in the National Congress as a member of the House of Representatives, with a term of office until 1997.

My great-great-grandparents came to the Malvinas Islands in 1873, and there my great-grandparents, James Patterson and Elizabeth Fraser, were born, the latter in 1878 as the eldest of eight siblings. In 1908 a part of the Patterson family moved to the mainland, where they settled a number of agricultural communities, the most significant of them being the Mata Grande estate, to the north of Puerto San Julián, in the province of Santa Cruz.

At that time, those who opted to move to an environment and climate that was similar to that of the Islands, continuing to do work with which they were very familiar, had every facility to do so, while at the same time acquiring the rights articulated in the Argentine Constitution for all its inhabitants. Even before our independence, a large number of British citizens were living in various parts of our national territory and were fully integrated into our society. This pattern was also true in Patagonia, with pioneers coming, in some cases, from the Malvinas.

At the present time, the people and the Government of Argentina are maintaining their indisputable tradition of respect for the way of life, the culture and the values of all inhabitants. As a representative of the citizens of the Province of Santa Cruz, many of whom are descendants of Malvinan families, I reaffirm our will for integration, in a framework of cordial and friendly relations, with the settlers of the islands and their representatives.

But this willingness has run head-on into the unswerving refusal of the Councillors of the Islands to establish any kind of contact with our authorities. This makes it tremendously difficult to achieve any progress in implementing the United Nations resolutions that call on us to engage in dialogue and to negotiate with a view to putting an end to the existing colonial situation.

This is of concern to our country and should be of concern as well to the international community as a whole.

The people of the Malvinas are trying at one and the same time to claim self-determination while keeping their British citizenship, which is impossible to understand. In turn, they are asking us to renounce our claim of sovereignty. How can we do this? We are convinced of our sovereign rights over the Islands, and we are supported in this by the resolutions adopted by the General Assembly and other international forums which recognize the existence of the problem.

The reasons given for this refusal to engage in dialogue and discussion on sovereignty are unsound in that they are based on the premise that the transfer of sovereignty will oblige the settlers to become Argentine citizens. Argentina's tradition of respect for the rights of its inhabitants would not permit such a situation.

In our country we have a democracy that has been renewed and consolidated over the last eleven years, during which changes in political power have taken place which have not altered our historic position of respect for the interests of the islanders. Democracy is the system of the government that the Argentine people has chosen once and for all, and this is a guarantee of trust and reliability.

What is needed in the Malvinas Islands is a wide-ranging and participatory debate to provide all inhabitants with reliable information on the Argentine position with a view subsequently to proposing options and suggestions of ways of cooperating with Great Britain - the country on which the inhabitants depend - in order to find a better solution to the dispute.

If we take a brief look at the way the world - and in particular the relations among States - has changed, we observe the creation of major trading blocs, the fall of the Berlin Wall and the consequent integration of Germany, the positive developments in the peace talks between Palestinians and Israelis and other such events which, through dialogue and understanding, are shaping a new international scene by which we cannot remain unaffected. How is it possible that we cannot make headway in the Malvinas question when all factors point clearly to the desirability of agreement? We are ready to listen to any proposals coming from the Malvinas Islands through Great Britain, with the exception of the proposal that calls for us to abandon our claim of sovereignty.

Our country and Great Britain are engaged in an increasingly productive relationship, even where issues of interest in the Malvinas area are concerned. For example, we have agreed on conservation measures within the framework of the South Atlantic Fisheries Commission, which has been operating smoothly in recent years.

I believe that if it were possible for us to make progress in the negotiations on sovereignty, agreements between Argentina and Great Britain would be still more positive, even making it possible to call on those countries that have vessels fishing in the area to open their markets to imports of fishing products from third countries - for some of those markets are closed to such products at the present time. Today world fishing fleets exceed existing resources, which will make it possible for us to make access to the area conditional, with a view to ensuring greater economic activity in the zone.

In my legislative capacity, I am currently working on a fishing bill, which I have presented in the National Congress, which stresses the preservation of species, a fundamental point to take into account in order to achieve sustained growth in the region.

With respect to the possibility of exploiting hydrocarbons, the situation is different. The unilateral decision taken by Great Britain to proceed in granting exploration zones has been rejected by the Argentine Government, making it difficult for the petroleum companies to decide to work in the area. At the present time negotiations are under way on this issue, which is of vital importance to the future of the region.

Our position has remained very firm and consistent since 1833. We have never ceased to claim sovereignty over the Malvinas Islands. The General Assembly has acknowledged the colonial situation of the Malvinas Islands, enacting resolutions such as 2065 (XX), which invited the parties - Argentina and the United Kingdom - to pursue negotiations without delay, taking into account the provisions and objectives of the United Nations Charter and General Assembly resolution 1514 (XV) as well as the interests of the population of the Islands.

Since 1965 - the date of resolution 2065 (XX) - we on our side have made manifest efforts to put it into effect, in contrast to the indifferent attitude taken by Great Britain, which historically has had a changing position, since the basis for its claim has varied from time to time. Initially they invoked discovery, then occupation, then the force of possession, and most recently the self-determination of the Islanders - all grounds which are far from sound, let alone justified.

I believe that the recognition of the colonial situation - accepted even by Great Britain - the firm decision to respect the interests of the Islanders on the part of Argentina, the current world situation and mutual interest all combine to create an appropriate framework for progress in the negotiations.

The time has come to begin a new phase in bilateral relations that will lead us to confront resolutely, in a peaceful and negotiated manner, the definition of sovereignty. I therefore call on this Committee to continue its efforts so that Great Britain heeds this compelling appeal for the benefit of all inhabitants of the region.

The petitioner withdrew.

At the invitation of the Chairman, Mr. W. R. Luxton and Ms. W. Teggart of the Legislative Council of the Falkland Islands (Malvinas) took places at the Committee table.

The Chairman *(interpretation from Spanish)*: I call on Mr. Luxton.

Mr. Luxton: Thank you, Sir, for allowing me as an elected member of the Falkland Islands Legislature to place before you and the members of the Committee the views and aspirations of the people of the Falkland Islands whom

I represent. At our last general election, I was elected with the largest proportion of any constituency vote and therefore feel that I can fairly claim to convey to you those views accurately.

My name is Bill Luxton. I was born in the Falkland Islands and I am a fourth-generation Islander; my ancestors settled there in the early 1860s. I am a sheep farmer by profession and my wife and I own our own farm on West Falkland. In 1982, when the Argentines carried out their vicious and inexcusable attack on my homeland, I was at the top of their secret police list of people to be neutralized. My wife and son and I were all arrested by their military police and deported from our home and from the Falklands at very short notice. It will not surprise members to know that I am not keen to see any renewed Argentine presence in my homeland.

This Committee is tasked exclusively with the problems of the last vestiges of colonialism. To me, it must follow absolutely that the principle of self-determination is tied inextricably to this objective. I just do not see how you can possibly divide the two unless you admit that what you decide is not on the principles of justice and what is right but is governed by political expediency. It is my most sincere hope that this Committee can rise above such a short-sighted and dishonourable course. The whole theme of my address will therefore be based on that principle which is a basic foundation stone of the whole United Nations Organization and indeed our own Falkland Islands Constitution.

We have heard in the past and today and will no doubt hear again the tortuous arguments of the Argentines about the things that happened in the Falklands some hundreds of years ago to justify their claim. Perhaps one should counter this by elaborating on the events in Argentina concerning the original inhabitants and what happened to them in their land. However, while I have enormous sympathy with the original inhabitants of the whole of the Americas, I submit that it is unrealistic to suggest that the clock be wound back. However, I would like to impress on the members of the Committee that the Falkland Islands were probably the only part of the entire American continent that never had an indigenous population to be displaced. We are that original population and have lived in and farmed and governed our islands for 160 years. All that we ask of the world community is to be allowed to continue to do this in our own fashion.

There have been dramatic changes in life in the Falklands over the past 15 years and these changes were beginning before the Anglo-Argentine war. Perhaps the most significant was the transfer of the land from absentee landlords to those who lived and worked on the farms. This process began in the late 1970s and I was glad to be associated with it from the very beginning. Things were moving ahead very well before the war. Indeed, the ceremony to hand over the deeds of one farm which the Government had purchased from the overseas owners to the new farmers was scheduled for 2 April 1982. That something else that was wrecked by Argentina, as of course they attacked the Falklands that very day.

Since then almost all the land has been transferred into local ownership, with a huge increase in investment in the farms despite difficult conditions in the world wool market. This has been possible because of the income we have received from the management and licensing of our fisheries. Our fishery management and conservation are recognized as being among the best in the world and I am glad that this is one area where we have been able to develop a reasonable relationship with the Argentines without compromising our sovereign rights. Our research data has been made freely available to Argentina in the interests of conserving the main species and the good management of both our fishery zones.

One might dare to hope that this could be a pattern for the future in other fields, as it is our intention to proceed with the issuing of exploration licences for offshore hydrocarbons in the very near future. The preliminary seismic information is very exciting and we have made it clear that, if Argentina wishes to participate in the process of oil development, there is no reason why it should not do so, just as our other South American neighbours can if they wish. We are a small country and it may suit the major oil companies to source their supplies from South America and even build bases there. Cooperation on these terms is acceptable. What is not acceptable is that Argentina, by making claim to the Falkland Islands, should imagine that it is entitled to any special position in the development of our resources.

Onshore, the growth of local business has been equally dramatic in the last decade. The retail sector, for instance, would be unrecognizable to anyone who had not visited for 10 years. We have local building firms, road construction gangs driving a basic road system across both East and West Falkland, and increasing local participation in the fishing industry. On the Government side, we have made very substantial expenditure on our young peoples' education, with the equivalent of some $20 million spent on an urgently needed new secondary school and community centre, and we are just about to start a new primary school expansion. All our students are funded for further education overseas if they reach the pass grade and we have just extended the period of compulsory education to age 16. A first-class medical service for our people and a modern communications network are just some of the benefits introduced.

All of these things have been provided from our own income, with no assistance from the United Kingdom. Internally, we have complete self-government. Britain remains responsible only for our defence, for which we are eternally grateful, and our foreign policy matters. Even there we do take the initiative. It is our choice to be here today. It is probable that Britain would actually prefer that we were not, but it makes no attempt to stop us addressing this Committee.

I would like to mention briefly the recent insulting and distasteful bribe offered by the Argentine Foreign Minister when he offered a huge sum of money to Falkland Islanders if they would agree to the transfer of sovereignty to the Argentines. I wonder how the Argentine poor living in the slums of Buenos Aires will react when they hear that their Government plans to give away half a million pounds each to a community whom they regard as second- class citizens. Even if they were able to secure the consent of their people to this distasteful plan, where do they propose to find a sum of money approaching £1 billion? No, I believe the real motive behind this offer is much more basic. I believe that the object is to try to create dissent and division within our community, to offer the world to a few and deny it to others. I would tell the Foreign Minister that it will not work - I believe every Falkland Islander will treat his plan with the contempt it so richly deserves.

You may be surprised to know, in view of what previous petitioners have said, that this is not the first time that money has come into the Falkland question, except that last time it was the other way around. In the period 1838 to 1841, the Argentine envoy in London was desperately trying, under instructions from his Government, to persuade the British Government of the time to cancel their loan from a London merchant bank in exchange for dropping any Argentine claim over the Falklands. So much for the deep and burning concern that every Argentine is supposed to feel over the Falklands. The truth is that over the years we have been used as a diversion to distract the Argentine people from the misery imposed on them by their own Governments from time to time.

However, things have changed in the years since their defeat by Britain in the South Atlantic. Argentina has a democracy, fragile as it may be, which has achieved some remarkable results. Argentina now wishes to earn the respect of the world community with its sound economic management and by participating in the efforts of the United Nations to create peace and justice where there is war and tyranny. Argentina clearly wishes to establish itself as a mature and stable member of the democratic society of nations.

This leads me, then, Mr. Chairman, to return to the theme of my submission to your Committee, the guiding principle of the United Nations: the right of all peoples to determine their own future without interference. I would like to take this opportunity to issue a challenge to President Menem, the Argentine Government, their Foreign Minister and the whole Argentine people. I challenge them to show the world their maturity and to show magnanimity towards a small group of people who are not their natural enemies, but who will not be subjugated or colonized by them. I challenge them to show generosity and tolerance to a small country which offers no threat whatever to their future security and which in terms of the great richness of Argentina is irrelevant to them. We are but 2,000 people, but we are determined to go our own way. Perhaps it is not necessary for Argentina to cede sovereignty to Britain if that concept is difficult for it. The Falkland Islands belong to the Falkland Islanders, and what we ask - and this is my challenge - is that Argentina be prepared to allow the Falkland Island people to determine their own future, without hindrance.

Mr. Chairman, we have no problem with the basis of the draft resolution before your Committee. It is entirely appropriate that Britain and Argentina should seek a peaceful end to the dispute between them. However, what we ask most passionately is that the draft resolution should include as an essential principle the right to self-determination of the people of the Falkland Islands.

The Chairman *(interpretation from Spanish)*: I now call on Mrs. Teggart.

Mrs. Teggart: Mr. Chairman, thank you for the opportunity to address the Committee and to speak to the draft resolution before it.

As this is my first visit to the United Nations decolonization Committee I will begin by telling you a little about myself and the reasons why I feel I am qualified to petition this Committee on behalf of the people of the Falklands.

I am one of eight elected members of the Falkland Islands Legislative Council and represent the Stanley constituency. I am a sixth-generation Falkland Islander, the mother of six children, and have an eight-year-old granddaughter who was the first eighth-generation Falkland Islander, of whom there are now a growing number.

My original ancestors arrived in the Falklands in 1842 with Governor Moody. Two and a half years ago over 300 of their descendants met to celebrate 150 years' history in the Falkland Islands. Their contribution to the Islands in these 150 years has been enormous. It was 150 years ago this week that my great-great-grandfather, as a 14-year-old boy, raised the British flag at Government House in the Islands' then new capital of Stanley. It would have been hard for these men to realize that one day from humble beginnings, in a hut made of mud and turf, their descendants would take leading places in our society; our Financial Secretary, Government Secretary, head of our Development Corporation and Collector of Customs are just a few of their many descendants.

Five generations of my family currently live and work in the Falklands. They are typical Islanders. My mother's ancestors left England in 1841. Three of her brothers fought with the British services during the Second World War, as did my father, who later emigrated to the Falklands. My eldest son was born in England, my youngest daughter in Scotland. We are a British family; we are not Argentines.

During the Argentine invasion of 1982 I lived on a sheep farm on West Falkland, and, while we were far more fortunate than many Islanders, the trauma of having your home country invaded remains. We heard of the Argentine invasion with horror, and feared greatly for the safety of our family and friends. Those fears were not unfounded. With communications cut off by the Argentines, it was some time before the full story of their treatment by the invasion forces became known. Three Falkland Islanders were killed during or as a result of that invasion. It was nothing short of a miracle that there were not more. Members of my own family lay on the floor of their home as bullets whistled over their heads, and my mother, youngest brother and 11-year-old sister were held at gunpoint as Argentine soldiers raided their house for food. They were awakened numerous times at night while soldiers searched the house looking for evidence of subversive activities to be used against them, and my youngest brother, then a boy of 17, was thrown into prison. This same brother has this week received an honours degree in engineering at a British university. One can only speculate as to what his future would have been under an Argentine flag, at a time when so many thousands of their own people disappeared without trace.

Since 1833 the Falklands have been populated and governed by British people. My forebears lived a hard, pioneering life. They died at a very early age, but they left a legacy of which we are justifiably proud.

An Argentine petitioner said at an earlier meeting of this Committee that we did not have our own culture. He is wrong; we do. Over the last 150 years we have built a lifestyle which, although British in background, has its own undeniable character and charm. The majority of us through birth could choose to live in the United Kingdom. We do not choose to do so. We live in the Falklands because of our love for our unique way of life, yet if, for whatever reason, Argentina were to take over the Falklands the majority of Islanders would leave. We would not stay under an Argentine flag; we would become a people without a country. The Argentines would take over a wasteland, depopulated and barren, and a far cry from the thriving, busy community the Islands now are.

We govern our own Islands, making our own decisions, and, apart from the cost of defence, we pay our own way. We are grateful to the British Government for bearing the cost of our defence. This would not be necessary if it were not for our need for protection against our overbearing, bullying neighbour. We are making great strides in developing our infrastructure, building roads to the more inaccessible parts of our Islands, and our education and medical facilities are excellent. Our young people look forward to bright, successful futures.

Most of our revenue currently comes from the squid fisheries around the Falklands. The squid are migratory and have a 12-month life cycle. This makes conservation of the stocks all-important. We have been able to share information we have gathered with the Argentine authorities, which have recently established their own fishing licence regime. Now seismic surveys have been undertaken around the Falklands, and prospects of finding large oil reserves are high. I personally would not object to Argentina's sharing in provision of facilities and support services for any future exploitation, in the same way as other countries in South America may be able to participate, but there will be no special deals, no preferential treatment.

Our lucrative fishing industry has given us the opportunity over the last few years to build up substantial monetary reserves, which now provide the Falklands with its second largest source of revenue. We are a people who look ahead to the future and know how fragile our chief source of income is, but, even without oil, through careful investment, we believe our economic future is secure.

Our refusal to become part of Argentina is not a bargaining tactic. We are not waiting for a fundamental change in Argentina's economy, politics or outlook. We are a British people, capable and determined to decide our own future. Were it not for the Argentine claim to the Islands and our reliance on the United Kingdom for military protection, we might well by now be looking towards independence within the framework of the United Nations. This is a Committee on decolonization. I ask it to accept that it is Argentina which wishes to colonize us, not Britain. It is Argentina that is stopping any move towards independence, and it is Argentina that must drop its claim to sovereignty over the Falklands.

I regret that, according to press reports, there is a proposal for Argentina's new Constitution to contain a clause claiming sovereignty over British dependencies in the South Atlantic. We have made it clear that we wish to remain British. We have a right to self-determination, which is a key principle in international relations and a fundamental provision of the United Nations Charter.

It is my belief that this is the only way ahead for a peaceful resolution of the South Atlantic problem. The Government of Argentina has no respect for our wishes, however. For a country with a democratic Government, it seems to have a marked lack of ability to accept one of the basic principles of democracy: the right to freedom of choice. We in the Falklands have always had a democratic Government, but even if Argentina's was as old as ours, we would still not be interested in their protestations of friendship. We have every reason to distrust them. In the past, Islanders have left the Falklands and gone to live in Argentina, as, indeed, Argentines have come to live in the Falklands, where they have become an integral part of the community. They have had freedom to determine what they want to do and have chosen their course. We, too, want the right to determine our own future.

For years, Falkland Islanders have been coming to this Committee to ask for their wishes to be taken into account. This is my first such visit to the United Nations, and I hope it will not be my last; but if I never come back, there are more than 2,000 others who will gladly and willingly volunteer to come to address this Committee. We are not professional politicians, but what we say comes from our hearts. We need no coercion to speak in this Committee. We have a growing population, and newcomers to the Falklands are integrating into our community and adopting our way of life and our ideals. The willingness of people to speak here will not weaken; it can only strengthen in years to come. We are not Argentines, and we will never be Argentines.

The delegates to this Committee live a life of their choice in the countries of their birth under a Government of their choosing. My colleague and I also live a life of our choice in the country of our birth under a Government of our choosing. We appeal to this Committee, which operates under the United Nations Charter, one of whose principles is that of self-determination, to support our right to determine our own future.

We have brought with us a governmental report which covers a number of topics, including the economic situation in the Falkland Islands. Copies of this report are available at the back of the hall, and I am sure the delegates will find them of interest.

The Chairman *(interpretation from Spanish):* If no member of the Committee wishes to speak or ask the petitioners a question, I shall then thank Mr. Luxton and Mrs. Teggart for the information they have provided us.

Mr. Luxton and Mrs. Teggart withdrew.

The Chairman *(interpretation from Spanish):* I now call on the representative of Venezuela, who will introduce the draft resolution contained in document A/AC.109/L.1819.

Mr. Tejera Paris (Venezuela) *(interpretation from Spanish):* Venezuela again has the honour of sponsoring, along with Chile and Cuba, the draft resolution on this question, contained in document A/AC.109/L.1819. In this way we show our unwavering commitment to the cause of decolonization and our desire to contribute to the settlement of the dispute over the sovereignty of the Malvinas Islands, a dispute affecting two friendly countries, Argentina and the United Kingdom of Great Britain and Northern Ireland.

Venezuela also wishes to reaffirm its conviction that the only way to put an end to the special colonial situation of the Malvinas Islands is by a peaceful, negotiated settlement, and in this regard, we express our hope for the early implementation of General Assembly resolution 2065

(XX), especially with regard to the resumption of negotiations on sovereignty.

The text we are introducing today is almost identical to last year's resolution, and we hope that, in the best interests of the parties concerned, it will be supported by all the members of the Committee.

The Chairman *(interpretation from Spanish):* I now call on Mr. Guido Di Tella, Minister for Foreign Affairs of the Argentine Republic.

Mr. Di Tella (Argentina) *(interpretation from Spanish):* I am grateful for the opportunity to participate in this debate.

I should first of all like to congratulate you, Sir, on your chairmanship of the Committee, which is proof of the recognition of your country's commitment to the decolonization process. I also congratulate the other officers of the Committee and the Secretariat staff for their dedication and hard work.

I also wish to express my appreciation, regardless of any question of agreement or disagreement, to the petitioners, Mrs. Teggart, Mr. Luxton, Mr. Patterson and Mr. Scott, for their presence here. I am also grateful to the Chairman of the Commission for Foreign Affairs of the Chamber of Deputies of my country for his presence here.

My statement will deal with the question of the Malvinas Islands from three standpoints.

First, I wish to recall some historical and legal aspects of the question under consideration today.

Secondly, I wish to touch on the current relations between Argentina and the United Kingdom and the situation in the South Atlantic, especially regarding the conservation of fishing resources, hydrocarbons and the Argentine proposal for the clearance of mines from the Malvinas Islands.

Finally, I shall take up the subject of our special consideration of the current inhabitants of the Islands and the Argentine approach to relations with them.

Regarding the first points, I should like to say the following: the sovereign rights of the Argentine Republic over the Malvinas Islands, South Georgia Island and South Sandwich Island and their surrounding maritime areas have solid historical and legal foundations that have been clearly spelled out by my country in this Committee, in the General Assembly and in other international forums.

The Malvinas Islands constitute part of the territory of Argentina, and their recovery is a constant and unforsakeable cause for the entire Argentine people. Hence, the Government of my country will continue to carry out diplomatic efforts in all forums until such time as the restitution of those territories has been achieved.

In its resolutions 2065 (XX), 3160 (XXVIII) and 37/9, among others, the General Assembly recognized the existence of a sovereignty dispute between Argentina and the United Kingdom and stipulated that the dispute should be resolved through negotiations between the parties, taking into account the interests of the population of the Islands. This Committee and the General Assembly have on many occasions requested both countries to resume negotiations on sovereignty and have declared that the way to decolonize the Malvinas Islands is by achieving a peaceful solution.

In their pronouncements the Committee and the General Assembly have made it clear that the question of the Malvinas is a special case that should be resolved in conformity with the aims and provisions of the Charter of the United Nations, which include negotiations between the parties, and resolution 1514 (XV). That resolution states, in paragraph 6, that

> "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." *(resolution 1514 (XV), para. 6)*

The fact is that the Malvinas Islands, which are an integral part of Argentine territory, were occupied by force in 1833, and the Argentine authorities and inhabitants were driven out and replaced by British subjects.

Here I wish to make an observation regarding the number of people driven out. If 25 people were driven out, then, with a normal rate of population growth - between 1 and 2 per cent - they would today represent more than 1,500 people. What we need to take into account is not just the number of people expelled, but the number they would represent now. Though it may have been small, if the population that was driven out had developed normally, it would now represent almost the entire population. This is the magic of compound interest.

Protest was immediately voiced by Argentina following the events of 1833. Those developments have never been accepted by Argentina, which has constantly demanded the restoration of the Islands. The lapse of time and the protracted occupation by Britain has in no way diminished the right to sovereignty of my country, among other things because Argentine protests to the United Kingdom have kept the matter alive and valid since 1833.

Concerning the pronouncements of other international forums, I should like to highlight the firm and constant attention given to the dispute by the Organization of American States (OAS). In its declaration on this question in its Assembly of Heads of State and Government in June, the OAS once again called on the parties to resume negotiations in order as early as possible to find a peaceful solution to the sovereignty dispute, and reaffirmed that the question is a matter of constant hemisphere-wide interest. This should be seen in the context of the Latin American co-sponsorship of Cuba, Chile and Venezuela of the Committee's resolution, which we are very grateful for.

With respect to the second aspect that I intend to address, I should like to note that relations between Argentina and the United Kingdom have been strengthened since the resumption of those relations in 1990, thus making it possible to achieve growing understanding in significant areas. As an example, high-level political consultations take place annually. Both countries are members of the Missile Technology Control Regime and the Australia Group on chemical weapons. Argentina has become the third-largest Latin American market for British exports. There has been strong recovery in bilateral economic and trading activity, and contacts have been strengthened between British and Argentine companies involving the formation of consortiums in various areas. British investments in our country have increased fundamentally in service-related areas. Great Britain's investments since 1990 have grown markedly and Great Britain has again come close to playing the role that it played in the early part of the century.

Both countries have the same views on the most controversial issues on the international scene, and we uphold democratic principles, human rights and equality before the law with equal force and conviction.

Both countries are allied on various levels. Our troops participated together in the Gulf war and are participating together in United Nations peace-keeping operations in Cyprus and Croatia.

In the South Atlantic, there has been continued advance towards cooperation. The understandings that have been achieved have been protected by the sovereignty formula. Under its shelter, both countries have been able to move towards cooperation formulas without this affecting their various positions or implying acceptance or recognition of the position of the other side. But it is impossible to advance very far in cooperation before we define the very core of the problem. This is what we need to do.

When it comes to conservation of the fishing resources of the South Atlantic, I should like to note, as did a number of petitioners, the work that is being done by the Argentine-British Fishing Commission since its inception four years ago. Both countries have been exchanging information on fishing activities in maritime areas of the South Atlantic with a view to preserving the most significant high-seas species.

In that spirit, the Commission at its latest meetings looked at proposed understandings with a view to establishing a framework for longer-term cooperation in order to ensure conservation of the fishing resources in the area. It may take a lot of effort, but that goal is attainable, and we want to attain it.

The Argentine Government is continuing to analyse formulas for a fishing agreement, although it hopes that this will not be an isolated action and will come into being in the context of understandings on other issues related to the South Atlantic on which it is possible and desirable to have cooperation.

As the petitioners have noted, cooperation in the matter of fishing is beginning to be accepted as a general principle by the two parties. That represents great progress, which should, we feel, be expanded to other areas.

Cooperation in the area of fisheries and that of conservation prompted Argentina and the United Kingdom last May to announce parallel action to close their squid fisheries. In so doing, both Governments have shown coordination ability and great responsibility with respect to this resource.

I should like to stress that Argentina is addressing the issues relating to the Fishing Commission from a conservationist stance. This is reflected in the national fishing legislation, which regulates exports of the resources according to the principles of preservation and rationality.

On this basis, the Argentine fishing authorities are determining the procedure for the granting of fishing licences in proportion to the biological capacity of the species and the pressure of sustainable fishing, in accordance with the data provided by constant research and scientific evaluation.

The Argentine Government hopes that this example of cooperation between the two countries in the conservation of fishing resources will serve as a basis for agreements on other issues in the South Atlantic on which we are holding talks with the United Kingdom.

It is noteworthy that the early closure of the squid fishing season decreed by the Argentine fishing authorities is closely supervised by the Navy, thus demonstrating our country's commitment to responsible fishing.

With regard to hydrocarbons, the Argentine Government has told the United Kingdom that it is ready to explore formulas of cooperation which will make it possible to have a constructive approach to this issue. For this reason, we shall not accept any petroleum exploration or exploitation activity in the disputed areas without previous understandings on cooperation between Argentina and the United Kingdom. With a view to reaching such an understanding, we shall be meeting with British officials on 14 and 15 July in Buenos Aires in the framework of the third meeting of the high-level group. We trust that on that occasion, it will be possible to lay the basis for a mutually satisfactory solution without prejudice to the position of either side concerning sovereignty or maritime jurisdiction over the areas in dispute, for any arrangement on that point would be covered by the so-called "sovereignty umbrella". It will be a difficult negotiation, whose failure might have adverse, extremely serious, effects, which I shall refer to later on.

I should also like to underscore the offer by the Argentine Government to the United Kingdom - it has not yet been mentioned - to take charge of removing the mines that were placed on the Malvinas Islands during the 1982 conflict. This concords with the spirit of resolution 48/7, on assistance in mine clearance, co-sponsored by Argentina and adopted by the General Assembly on 19 October 1993 without a vote.

To this end, contacts have been initiated with a view to working out the necessary details for its implementation. While aware of the high level of technical difficulty involved in carrying out this task to the full, we hope to achieve the highest possible standard in so doing, and I can assure the Committee that we will indeed succeed. The petitioner, Mr. Luxton, challenged me to be the first to walk through the demined fields, so obviously I have personal interest in the matter. That our initiative has been taken with a sense of high priority evidences the special attention that the Argentine Government is paying to the concerns of the inhabitants of the Islands.

Let me explain what prompted this idea of demining. Naturally, we felt responsible for the mining, and from the publications put out by the islanders it was apparent to us that the mines' existence posed a daily problem that should be eliminated methodically and we are engaged in just such an endeavour. We hope that this gesture will be appreciated. I note that none of the petitioners have commented on it, but we will continue our efforts anyway.

At the same time, there has been progress in the creation of confidence in the military field. The understanding of 12 July 1993 has brought about greater movement towards normalizing the military situation in the South Atlantic.

In this context, we hope to continue to move towards the complete elimination of the restrictions that have persisted since the end of the 1982 conflict so that mutual trust may extend to all aspects of bilateral relations.

Notwithstanding these areas of progress - which are indeed very significant - there have been not insignificant set-backs in other areas. First of all, the basic question underlying the dispute and, even worse, the fact of the negotiation remain unresolved. This is why on this occasion we reaffirm to the United Kingdom our readiness to resume negotiations. This does not necessarily mean that we are conceding anything in advance, but simply that we are ready to sit down at the negotiating table. Personally, I would like to be able to sit down with the petitioners who spoke earlier in order to respond to some of the things they said and talk to them. As I said, sitting down at a table does not mean that we have conceded any points. It is simply a matter of having a cup of tea or coffee and talking.

In addition to the lack of progress towards a settlement, I must recall the jurisdictional measures taken by the British in the region of the South Georgia and South Sandwich Islands in 1993. As noted in official documents of this Organization, Argentina has protested against and firmly rejected those measures, which create an element of very serious uncertainty, because we do not know what consequences they will have - whether this is the end of the story as far as the demands are concerned or whether there will be further measures.

The situation in the region has become more complex as a result of the United Kingdom's adoption of additional regulatory measures on fishing. The regulations were adopted despite the fact that on 7 May 1993 both Governments agreed, under the protection of the sovereignty formula, to renew their efforts in the framework of the Convention on the Conservation of Living Marine Resources of the Antarctic with a view to ensuring effective conservation of resources in these waters. The measures are not, in our view, compatible with the Convention on the Conservation of Antarctic Marine Living Resources and undoubtedly will mean that the bilateral dispute will be carried over into the Antarctic Treaty. This, I think, is the danger of that unilateral and, indeed, unnecessary British initiative.

To return to the issue of petroleum, if, as I have said, agreement is not reached in the forthcoming negotiations with the United Kingdom and that country opts for a unilateral decision, the situation thus created will have very negative consequences.

Unilateral exploitation by one of the parties of non-renewable resources in the disputed region would undermine the norms and principles of international law, which establish the obligation to refrain from exploiting a territory's non-renewable resources until any dispute over its sovereignty has been settled. This is the international community's interpretation of such a situation and it has been clearly stated in the case of the Malvinas Islands in General Assembly resolution 31/49 of 1 December 1976, which

> "Calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in [General Assembly resolutions 2065 (XX) and 3160 (XXVIII)]." *(resolution 31/49, para. 4)*

For these reasons our Government is determined to take all legal and judicial measures that may be necessary, both internally and internationally, to prevent the unilateral exploitation of hydrocarbons in the region in dispute should it not be possible to achieve a bilateral arrangement. The British Government and the petroleum industry have been notified by the Argentine Government of this resolve. Any company embarking on activities in that zone will have to bear the legal consequences of disregarding this warning.

I turn now to the third aspect to which I referred earlier, relations with the Islands and, in particular, with the Islanders. Accordingly, I would like, through the petitioners, to address the Islanders in their own language.

(spoke in English)

The General Assembly and the Decolonization Committee resolutions clearly establish that Argentina and the United Kingdom are the only parties to the dispute. The Islanders do not enjoy a similar status, but their influence has an impact on both the British Government and, in particular, its Parliament, which will have to solve this question together with the Argentine Government and Parliament. Argentina takes this fact into account when it addresses the need for a settlement of the controversy. We do so because we realize that it would be objectively unthinkable to approach this issue without taking into consideration its human dimension. Therefore, while not conceding any veto power to the Islanders, we intend to gain a better understanding of their lifestyle and their viewpoints in order to reach agreements for the benefit of all concerned. We are fully aware of their influence on the decisions of the British Parliament.

The establishment of direct links with the Islanders is central to our policy on this matter. To this end, we should jointly consider the areas where contacts could be initiated in the short term for the benefit and to meet the current needs of those who live on the islands and the mainland.

We are ready to build bridges. We are ready to make efforts to convince them that our position is not only just but beneficial for them as well.

During last year's session of the Special Committee one of the petitioners, Mr. Terry Peck, raised a number of points concerning the issue of the maintenance of the Islanders' lifestyle. I improvised an answer, saying that I thought we could accommodate the Islanders on most of the issues. I can now say that with full knowledge and based on a full analysis of each of the points - 14, I believe - that he mentioned.

I reiterate that we can now agree on most of the issues, because they are compatible with our free institutions - political and economic. In short, we can fully ensure respect for their way of life. Therefore, I stress that we are ready to talk about the content of those issues, particularly about allowing for local courts and a local taxation system, the preservation of the Islanders' property rights, their own educational system, transport and communications, allocations of income and decisions on resources, among many other matters.

At this point, I would recall that the Argentine Constitution, ratified in 1853, adopted a federal system whereby each province would have its own constitution. The latter guarantees in each case the autonomy of local government, the administration of justice and the educational system. Each province has its own local institutions and is governed by them. They elect their governors, legislators, and other provincial officials without the intervention of the Federal Government.

Regarding property rights, all inhabitants of the Argentine Republic enjoy the right to make free use of their property.

I mention these examples to highlight the fact that our intention seriously to discuss the preservation of the Islanders' way of life is supported by our own constitutional experience. Our readiness to exchange points of view is as strong as it was in 1993. We are even willing to analyse special features that might be deemed necessary.

Having said that, I turn now to other matters. We continue to facilitate air communications between the Islands and the South American continent. We have authorized and are facilitating flights by a Chilean air company from Punto Arenas, Chile, to the Islands, with an optional stop-over in Rio Gallegos, Argentina. We are trying to promote a similar flight from Uruguay to the Islands. Of course, we would prefer direct links, but the second best solution is to have flights from neighbouring countries, with which we are on very good terms.

Despite the fact that the Argentine Government facilitates communications between the Islands and the South American continent, it should be understood that there are no logical and viable alternatives to direct communication with Argentine continental territory. The situation has become extremely odd. We see Islanders - and not just one or two, but quite a few who come to visit their relatives or their investments - coming to our country and going through Punto Arenas in a very expensive and awkward way.

In connection with information published by the press regarding the possible compensation to the Islanders, I would like to make the following remarks. This is not an Argentine proposal; it was not originally an Argentine idea, but my Government stands ready to consider it, if necessary, in the context of the future process of restitution of the sovereignty of the islands and on the understanding that the compensation does not mean that any Islanders would have to abandon their homes or alter their lifestyle.

I have heard that some of the petitioners are not enthusiastic about this idea. I do not know whether it is because they think that we do not have the money or that our people will be opposed, or whether it is because it is completely out of the question. I do not think it is offensive, as part of a package that respects the lifestyle and gives special status for the inhabitants, to include some monetary compensation. This was what the British Government thought in the 1970s; I think the idea was of a lump sum payment to the islanders of about £7 million. It did not go through. This is typical. Monetary compensation has to be included. It is not a bribe. We know that we cannot bribe people who have a lifestyle, whose identification with their homeland is as intense as that described by, for example, Mrs. Wendy Teggart. It is very moving, and we do not want to interfere with that.

I have to give thanks even to Mr. Luxton, because in his original draft he spoke about my "devious plans" and when he made his statement he omitted "devious". I have to thank him, because a slight improvement has taken place in this meeting.

Some people on the islands say they do not want to hold any dialogue unless we first drop our claim. This would be an irrational sequence. We have to start by agreeing to disagree and work from there on. If we meet around a table we are not granting anything or yielding on any point; we are simply sitting around a table. That is all there is. If they want to convince us, they will have to meet with us - and not only once a year, in this Committee. The essence of our strategy is to convince them, and if we want to do that we have to meet as well. I think that on the islands there are different shades of opinion regarding some of these issues. I am convinced that there exist on the islands more realistic points of view that would allow us to continue our approaches.

Four years ago the Council was elected on the platform of "no relations with Argentina whatsoever". Last time the platform was "no relations with Argentina whatsoever, except for fish and oil". That was a great change. We have been waiting for 165 years to find a solution to this issue. We are prepared to spend another

165 years to convince the islanders about the convenience of our suggestions. We are a bit on the stubborn side.

Our dialogue with the British side should be held with an open agenda. For example, we might discuss trade, environmental matters, direct flights between the islands and Argentine continental territory, tourism, quotas on tourism, student exchanges. For example, the latter was positively mentioned during the exchanges at the Argentine-British non-governmental conference held in Mendoza, Argentina. All these proposals stress the fact that we are prepared to analyse all possible options and formulas that take into account the identity and well-being of the islanders. Although we recognize the identity of the islanders, and their way of life, we have to say that part of their specific character, which we want to respect, is a consequence of administrative decisions taken over the past 165 years, not allowing us to invest in or migrate to the islands, or to visit them, for that matter. So there is a kind of artificial administrative background that explains the intense character of the lifestyle. But this is a fact of life, and we are perfectly willing to accept it without any change whatsoever.

(spoke in Spanish)

The international scene has changed dramatically since 1982. This is also true of the islands, the United Kingdom and Argentina.

Argentina is today a country with fully valid democratic institutions and respect for human rights and fundamental freedoms. This has been recognized by some of the petitioners, including the harshest, and this gives us great satisfaction. The fact that they mentioned this as being something recent does not trouble us, because it is a historical fact.

Argentina today is credible and respected internationally. Its economic policy has reopened the real possibility of foreign investment, promoting growth and general well-being. Its foreign policy has gained renewed prestige because it is based on an active commitment to peace and non-proliferation of weapons of mass destruction, with firm support for the Security Council, of which it is at present a non-permanent Member, and with active participation in peace-keeping operations and the development of cooperative security in the Americas.

Acting in accordance with that policy, Argentina has reached agreements on cooperation in the peaceful use of nuclear energy with Brazil and the International Atomic Energy Authority, has ratified the Treaty of Tlatelolco, is a party to regional agreements banning chemical weapons, has acceded to the missile technology control regime and cancelled all its missile projects, directing its space activities to exclusively peaceful ends. We are thus undeniably contributing to ensuring that our region becomes one of the most peaceful in the world.

At the same time, in the region we enjoy close, friendly and warm relations with Chile, relations which have been strengthened by the agreements reached in 1991. Those agreements have helped to establish new levels of cooperation between the two countries. Infrastructure integration and economic and trade integration grows day by day. Chilean investments in Argentina have reached extraordinary levels, and there are many joint projects, such as the Argentine-Chile gas pipeline, which is an example of how the world has changed, because participating in it will be Argentine, Chilean, British and United States companies. Obviously, this was unthinkable 10 years ago, for four reasons.

All this, which should be taken very carefully into account, implies specific benefits for the islands. However, the existence of the British military base in the Malvinas is a hangover from the past, ignoring the new international context, the new regional context and the new Argentine realities. It implies being blind to the fall of the Berlin Wall, the end of totalitarianism, the end of apartheid, the Middle East peace process and other profound changes of our times.

We are convinced that, whatever may be said, the islanders should not exaggerate, because our attitude towards them has changed substantially. The present Argentine attitude, including the firm and clear commitment to an exclusively peaceful solution to all our disputes with the United Kingdom, makes the lack of dialogue ever more untenable and illogical.

I do not wish to conclude without thanking the Committee in advance for its support for the draft resolution on the question, which is another very important pronouncement in favour of resolving the dispute. I am sure that it will receive the same support as last year's draft resolution did.

Argentina reaffirms its firm desire to resolve the question in accordance with the resolutions of the Committee and of the General Assembly.

The Chairman *(interpretation from Spanish):* Does any member of the Committee wish to speak before we take action on the draft resolution introduced by Venezuela?

Mr. Ardhaoui (Tunisia), Chairman, Subcommittee on Small Territories, Petitions, Information and Assistance, *(interpretation from French):* I know the hour is late, but I should like none the less to say a few words.

My delegation is most appreciative of the initiative taken by Mr. Guido Di Tella, the Minister for Foreign Affairs of Argentina, in joining us here and explaining clearly and unambiguously his country's position.

The Foreign Minister has just told us how Argentina is now seeking to solve the problem of sovereignty over the Malvinas Islands through negotiations and peaceful dialogue, in the framework, of course, of the relevant resolutions of the United Nations. The approach advocated by the Foreign Minister of Argentina is a truly positive element of the overall foreign policy of the democratic Government of President Carlos Menem. Remarkable initiatives on the international level, including various proposals in international organizations, exemplify Argentina's dedication to working for peace and security in the world, especially in the region of Argentina's particular concern.

That is why my delegation appreciates the statement of the representative of Venezuela, who was good enough to introduce the draft resolution a moment ago. He appealed for the draft resolution to be adopted by consensus, and my delegation would like to join him in that appeal, because, as he rightly said, all delegations here are friends of the two parties, which is why we must encourage them to engage in dialogue and negotiation in the search for a peaceful solution. My delegation wishes to see all members of the Committee agree on the adoption of the draft resolution by consensus.

Mr. Samana (Papua New Guinea): My delegation supports the draft resolution as it relates to the question of sovereignty claims by Argentina and the United Kingdom as a continuing dispute. The draft resolution also urges the two parties to the dispute to handle the situation through compromise and dialogue.

While speaking on this matter, I should like to recognize the presence of the Foreign Minister of Argentina and express appreciation for his effort and his presence as we deal with this very critical and sensitive issue.

My delegation will continue to support and encourage our Argentine brothers and our British friends to continue to seek a solution through peaceful means. However, the question we raised previously, when this matter was considered in 1993, relates to the fact that the draft resolution, as it stands, misses a significant element of the issue - namely, the element of self-determination that is being raised by the Island's population. I raised this matter of population in my question to one of the petitioners. This is going to be an emerging issue as the population grows.

The Minister for Foreign Affairs of Argentina made the point that if the population was originally Argentine by dint of aboriginality, then, obviously, the argument here would be different. So while we appreciate the question of the aboriginality of the population, we also consider the fact that this particular island population has been in existence for over 165 years. A question therefore arises concerning the definition of colonial status as it pertains to the Falkland Islands, or the Malvinas. While the resolution as it stands deals with the question of territorial sovereignty, it misses the question of self-determination for the sixth generation of the island's population, whose views and opinions may not have been considered.

However, we support the proposal of the representative of Tunisia and will vote in favour of the draft resolution as it stands with regard to the issue of the ongoing dispute over sovereignty.

The Chairman *(interpretation from Spanish):* If no other member wishes to speak, and if there are no objections, I shall take it that we are ready to adopt the draft resolution contained in document A/AC.109/L.1819 without a vote.

The draft resolution was adopted.

The Chairman *(interpretation from Spanish):* I shall now call on those representatives who wish to explain their position on the draft resolution just adopted.

Mr. Seniloli (Fiji): My delegation went along with the Committee's desire to adopt the draft resolution contained in document A/AC.109/L.1819 by consensus. We also joined the consensus last year, whereas in previous years we had abstained on similar draft resolutions because of our reservations on the relationship between the content of those draft resolutions and the mandate of this Committee.

Even though we have again joined in the consensus, my delegation continues to be preoccupied with the same reservations. These reservations stem from the fact that the draft resolution we have adopted focuses substantially on the issue of sovereignty over the dependent Territory in question - namely, the Falkland Islands (Malvinas). We believe this issue of sovereignty should be properly dealt with in another forum.

This Committee is mandated to oversee the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, as contained in resolution 1514 (XV) of 14 December 1960. There is nothing in the resolution we have adopted that focuses on the principle contained in the Declaration that all peoples have the right to self-determination; by virtue of their right, they freely determine their political status and freely pursue their economic, social and cultural development.

If it is the view of this Committee that the issue relating to the Falkland Islands (Malvinas) is an issue of sovereignty and not one of the right of self-determination of the peoples of the Territory, then it would be more appropriate for us to consider deleting this Territory from the list of dependent Territories. As to the dispute over the sovereignty of this Territory, we believe that such disputes should be dealt with elsewhere, and not in the Committee on decolonization.

In spite of this reservation, we have gone along with this resolution because we recognize that there is an international dispute relating to this Territory, and we cannot disagree with the sentiment that such disputes ought to be resolved peacefully through dialogue and negotiation, which we see as the basic thrust of the draft resolution we have adopted.

Mr. Medina (Cuba) *(interpretation from Spanish)*: In explanation of Cuba's position, my delegation wishes to express its full support for the Argentine claims of sovereignty over the Malvinas Islands. Cuba takes the view that Argentine sovereignty over this Territory is beyond any doubt, and we express the hope that this dispute will be solved through dialogue and cooperation between the parties concerned. That is the reason why we co-sponsored the draft resolution that has just been adopted by the Committee.

Mr. Bangali (Sierra Leone): I have asked to speak to explain our position on the draft resolution we have just adopted. My delegation has once again joined the consensus adoption of the draft resolution on the question of the Falkland Islands (Malvinas) because among other reasons, we believe in a negotiated and peaceful settlement of disputes, be they national or international, and irrespective of their character or origin.

We therefore endorse the request the draft resolution makes to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to engage in a process of dialogue aimed at the speedy resolution of this prolonged sovereignty dispute.

My delegation is also of the view that, while the two Governments seek a peaceful solution to the issue, serious consideration should be given to the interests of the population of the Islands, in accordance with the provisions of Article 73 of the United Nations Charter. We believe, therefore, that reference should be made in such a resolution in the future to the issue of self-determination for the islanders, again in accordance with the relevant provisions of the United Nations Charter.

Let me conclude by conveying our appreciation to all the petitioners and to the Minister for Foreign Affairs of Argentina for the information they provided the Committee this morning.

The Chairman *(interpretation from Spanish)*: Before I conclude this item, I should like to express our thanks to His Excellency the Minister for Foreign Affairs of Argentina and to all the petitioners who took part in the debate.

The Committee has now concluded consideration of the item.

The representative of Spain has asked to make a statement, and I now call on him.

Mr. Zulueta (Spain) *(interpretation from Spanish)*: My delegation wishes to thank you, Sir, and the other members of the Committee for granting the request of the Spanish delegation to take part in this discussion. We are also grateful to the Secretariat for preparing working document A/AC.109/1195 on the question of Gibraltar, although we regret the fact that the points of view and the information provided by my country's authorities are reflected only in an incomplete and imprecise form in the document.

The United Nations, in successive decisions taken by the General Assembly and by this Committee, has clearly established the doctrine applicable to the question of Gibraltar, indicating that the decolonization of that Territory is not a case of self-determination but of restoration of Spain's territorial integrity, in conformity with the principles embodied in resolution 1514 (XV), the keystone of the process of decolonization put forward by the United Nations.

I should also like to recall that the British and Spanish authorities, on the basis of the joint declaration signed in Brussels in 1984, are holding bilateral negotiations with a view to solving the dispute over Gibraltar, negotiations which are addressing the questions of sovereignty and are seeking to promote cooperation to mutual benefit. I should also like to note that the Spanish authorities have on many occasions stated their full readiness to ensure due respect for the legitimate interests of the people of Gibraltar, taking also carefully into account those of the population of the Campo de Gibraltar.

The representatives of the population of Gibraltar were invited to be involved in the negotiating process, and indeed did take an active part in it until 1988, when they decided to cease participating. We hope that they will reconsider this decision and become involved in the process once again in a constructive spirit. Although it is clear that, in accordance with the General Assembly's doctrine, the principle of self-determination is not applicable to the question of Gibraltar, the Spanish Government takes the view that in the process of decolonization of the Territory, its personality and peculiar characteristics need to be taken into account, together with the legitimate interests of the population. The Spanish Government is fully ready to ensure that all such aspects are duly guaranteed in the framework of a definitive negotiated solution to the dispute, in conformity with the relevant resolutions of the General Assembly of the United Nations.

On behalf of my Government, I should like to express a reservation on Spain's position concerning certain assertions made today in this Committee. At the appropriate time, and in accordance with instructions received, we reserve the right to convey to the Committee the appropriate responses and clarifications.

Organization of work

The Chairman *(interpretation from Spanish):* If no further members of the Committee wish to speak, and taking into account the way in which the situation is proceeding, I suggest that the Committee continue consideration of the question at its next session, subject to any directives which the General Assembly might give at its forty-ninth session and that, so as to facilitate the Fourth Committee's consideration of the item, the Committee transmit to the Assembly all the related documentation.

If I hear no objection, it will be so decided.

It was so decided.

The meeting rose at 1.25 p.m.

United Nations A/AC.109/PV.1434

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1434th Meeting

Tuesday, 12 July 1994, 3.00 p.m.
New York

Acting Chairman: Mr. Bangali . . . . (Sierra Leone)

The meeting was called to order at 3.35 p.m.

Question of New Caledonia (A/AC.109/1197)

Hearing of petitioners (Aide-mémoire 22/94)

The Chairman: I wish to draw members' attention to a working paper prepared by the Secretariat, contained in document A/AC.109/1197.

At the invitation of the Chairman, Mr. Yann Céléné Uregei (Popular Congress of the Kanak People (CPPK)), took a place at the Committee table.

The Chairman: I call on Mr. Uregei.

Mr. Uregei *(interpretation from French):* On behalf of the Popular Congress, I should like first to thank the Committee for having invited us to take part in the work of the Special Committee of 24 and to congratulate the Chairman and to assure him of our close cooperation.

The Matignon Agreements are now six years old. At its last meeting the Committee drew up a positive balance sheet with regard to those Agreements. We were not surprised, but what is the reality of the social and economic policy followed since 1988, apart from the drenching of the Territory with government subsidies?

From the outset we denounced the confidence trick contained in the plan drawn up under the Agreements. Dividing the Territory into three provinces and gathering in one of them 89 per cent of the Europeans of the Territory, with almost all the Territory's industry and commerce concentrated in Noumea, automatically made the two rural provinces, containing a majority of Kanaks and people in favour of independence, economically dependent on the South, containing the loyalist majority, and planted the seeds of separatism.

There can therefore be no illusion about the Agreements, which deny the Kanak people the right freely to decide their future and put off to the Greek kalends the prospect of independence, making it dependent on a referendum 10 years in the future, when Kanak voters will still be a minority.

Michel Rocard's avowed intention was to keep New Caledonia in the French Republic. Increasing financial transfers by over 10 per cent a year could only increase dependence on Paris and strengthen an artificial economy. The Kanaks discovered that rebalancing regions on the basis of tourism only worsens inequality in development. It benefits some and marginalizes others, at the same time gradually destroying social and traditional cohesion.

The Kanak population faces a new kind of problem linked to the financing the French Government has injected into the Territory. Rumours about the secret enrichment of some pro-independence officials indicate the social malaise of the Kanak population, which clearly does not understand economic choices such as the purchase of an aeroplane by the leader of North Province while the rank-and-file militants must use ruined roads to get from their tribal dwellings to the villages.

This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

The result of the Matignon Agreements are not in the interests of the Kanaks, who remain in the same social situation six years after the Agreements came into force.

These are the Territory-wide results of the recent legislative elections: against independence, 73.86 per cent; unspecified, 4.18 per cent; and in favour of independence, a mere 21.93 per cent. Two right-wing deputies got through the first round, and the loyalist right may well take the three provinces in the 1995 elections, which would enable the Rassemblement pour la Calédonie dans la République (RPCR), with the help of the new Government, to impose statutory consensus since it did not request a referendum.

On the basis of those results we decided to shed this colonial logic and base Kanak demands solely on tradition. The first General Popular Congress that went above and beyond political labels was held at Kumo Drehu on 24 September 1992. We affirm that power belongs to the Kanak people in a popular democracy. We reaffirm that tradition is the basis of a Kanak community society based on respect for the traditional values and structures we want to bolster and defend. We have decided to restore, according to tradition, the unity of the Kanak people, a people torn apart by political parties, within each cultural area.

The Kanak people has been colonized by France since 24 September 1853. By seizing the Kanaks' land, France stripped away and still ignores all their rights; it unilaterally imposed colonial "legitimacy" and is responsible for the disorder and violence it brought to the Kanaks at every level. By continuing its colonial rule, the French Government remains an accomplice in that violence.

The Kanak people has been oppressed in countless ways: through economic exploitation by French nationals from the time our ancestors were stripped of their land by settlers to the present day, with the pollution of our soil and our water; through the capitalism that has grown to be multinational; through the alienation of the Kanaks by ignorance and contempt; through the destruction of our traditions; through attempts to make us foreigners and blame us for the situation that has arisen since the destruction of our ancestral beliefs and for the upheavals in our society; through the manipulation of traditional structures to use Melanesian pseudo-development to stifle our demands; and through the use of our traditions to project a false image - all while enabling the colonizer to retain a clear conscience and to hold on to his power.

From the beginnings of colonization, the Kanak people has resisted colonial oppression. In June 1878, Paramount Chief Atai said, "If your cattle devour my yams and taros, I will build a fence".

The policy of the colonial invader was to destroy Kanak civilization and the Kanak people. They did not hesitate to divide us and to use force, to send populations into exile, or to employ scorched-earth tactics and even genocide.

Demands for Kanak dignity, freedom and identity sparked the union of the Kanak people and inspired all the rebellions and liberation struggles through 22 June 1975, when the demand for Kanak independence was made official.

This resistance has now brought us to a unified traditional approach - the Popular Congress of the Kanak People - to demand respect in practical terms for the sacred rights of the Kanak people: to be recognized as a people unto itself; to be considered the only lawful occupant of Kanak land; to practice self-determination in dignity and freedom; to gain restitution of all our lands to restore the Kanak people to wholeness; to exercise its sovereignty immediately, unconditionally and unreservedly, and in so doing freely choose its own status - socialist Kanak independence on the basis of our own traditional structures; to have the means necessary to pursue economic, social and cultural development to build Kanak socialism; to attain the speedy, effective implementation of the commitments entered into by François Mitterrand, President of the Republic, and by the French Government, which at Naiville-les-Roches recognized the inherent and inalienable right of the Kanak people to independence.

The Kanak people remains alien in its own country. After 141 years of colonialism it has become a minority. It owns no land. It has been expelled from and stripped of its lands to the profit of settlers. It has been relegated to reservations owned by the French State. The Kanak people has French citizenship but not French nationality. Its status is different from that under common law. Every people is entitled to a nationality, and the Kanak people wants only one: its own.

That right was recognized by the Socialist Party on 9 November 1979 in Paris:

> "The Socialist Party reaffirmed its determination to support and guarantee the right of the Kanak people freely to determine its future".

In November 1979, at Paris, the Communist Party stated that

> "In the special conditions of New Caledonia, the Kanak people must enjoy respect for its right freely to decide its own future, participate fully in managing its own affairs, and take control of its own development".

The 1983 Naiville-les-Roches declaration recognized the Kanaks as the first and lawful inhabitants of the Territory and expressed the hope that their inherent and inalienable right to independence would therefore be respected.

Indeed, the South Pacific Forum, in its communiqués, the Movement of Non-Aligned Countries at its summit meetings, and the United Nations at its various international forums have recognized this right.

That recognition is based not on percentages of the Territory's population, but on the fact that the Kanaks are a colonized indigenous people. The solution lies in the immediate establishment of a special relationship with the sovereign, independent Kanak people.

We, the Kanak people, assembled in our Popular Congress, affirm our existence, which is rooted in our cultural identity and our own traditional values. We reaffirm our devotion to the cultural identity of the Kanak people and pay tribute to the memory of our ancestors, the source of our strength and the origin of our common heritage.

Recognizing that our customs are alive and that the traditions and wisdom of our ancestors have been handed down to us from generation to generation, and proclaiming the fundamental principles of our cultural heritage to generations to come, we base socialist Kanak independence on our own cultural values. We shall fight to the end for the recognition and defence of our traditional identity.

We proclaim that the Kanak people is the only lawful occupant of New Caledonia and is equal in rights to all other peoples of the world. We declare that the Kanak people is the only legitimate owner of that Kanak country and all its natural resources.

Even though this is the International Decade for the Eradication of Colonialism, the French Government has managed to safeguard its own interests. It has done so with the help of some Kanak independence leaders and by means of anti-democratic, dictatorial measures, establishing in New Caledonia a 10-year plan for the recolonization and integration of the Kanak people. This is the trap set by the French Government, which we have repeatedly denounced.

With the opening of the Common Market, New Caledonia became the colony of the 12 States members of the European Economic Community, thus strengthening the Rocard plan.

The Kanaks now note that their customs and their rights are in danger. Article 60 of the referendum law deprives traditional residents of the management and development of their land.

The Matignon Agreements, which fail to guarantee the independence of the Kanaks, sowed disharmony among all parties by introducing wilderness development through new institutional structures. This heralds the destruction of our culture and our customs. It is the grief of the Kanaks.

The Popular Congress, founded in Kumo Drehu on 24 September 1992, has solemnly established the authority of the Kanak people throughout Kanak territory. It has decided to reconstitute, according to custom, the unity of the Kanak people and to abolish political labels and boycott all elections because these divide and tear asunder the Kanak people. It has decided, further, to establish a case file on the environment issue with a view to submitting it to the International Court of Justice at The Hague.

The society envisaged by the Popular Congress is based on our traditional structures and our own cultural values.

By custom the Kanak people is organized as a popular democracy. By tradition it is independent. The colonial State need only restore full sovereignty to the Kanaks in order for them to become an independent and sovereign people once again.

The facts are there for all to see: there was France's unilateral takeover of our country on 24 September 1853; there were the misdeeds of the 141-year-long colonial oppression of the Kanak people; there was the implementation of the Matignon Agreements to destroy our culture and customs, and by means of the self-determination referendum, to deprive the Kanak people of the right freely to decide on its own future; and there was the Kanaks' alienation from their own country. It is against that background that the Popular Congress will be reconvening on 24 September 1994, at the Hoot Ma Waap Cultural Centre, in the Nénémas district of Poum, to take an important decision concerning the accession of the Kanak people to national sovereignty.

The political, economic, social and cultural organization of the country will be carried out in accord with the principles of popular democracy within a framework of traditional structures in order to build a Kanak socialism devoid of the political labels that divide and tear asunder the Kanak people.

Tradition is recognized by Article 75 of the Constitution of France. Therefore the decisions made by the traditional leaders of the Kanak people are constitutionally valid. The Head of the French State, who is the guarantor of that Constitution, must guarantee and enforce respect for decisions based on tradition.

The petitioner withdrew.

The Chairman: The Committee will continue consideration of this item at a subsequent meeting.

Question of sending visiting missions to Territories (A/AC.109/L.1812 and L.1817)

The Chairman: I wish to draw the attention of members to the report prepared by the Chairman, Ambassador Lohia, contained in document A/AC.109/L.1812, which gives an account of his consultations with representatives of the administering Powers concerned. Members also have before them in document A/AC.109/L.1817 a draft resolution on this item.

During his consultations, Ambassador Lohia informed the representatives of the administering Powers that the Special Committee continued to attach the utmost importance to the dispatch of United Nations visiting missions to the Non-Self-Governing Territories as a means of securing first-hand information on them. In that regard, he expressed the Committee's appreciation to the Government of New Zealand for having extended an invitation to the Committee to send a visiting mission to Tokelau, which would be dispatched to the Territory the third week of July.

If no member wishes to speak on this item, may I take it that the Committee is prepared to adopt the draft resolution contained in document A/AC.109/L.1817 without a vote?

The draft resolution was adopted.

The Chairman: May I, on behalf of the Special Committee and on my own behalf, express our deep appreciation for the continuing cooperation extended by the Government of New Zealand in the related work of the Special Committee.

On the return of the visiting mission and upon completion of its report, the Committee will hold one or two meetings to consider the report and take appropriate action thereon.

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (A/AC.109/1196 and L.1818)

The Chairman: Members have before them the report by the Secretary-General contained in document A/AC.109/1196 as well as the draft resolution prepared by the Acting Chairman on the question, contained in document A/AC.109/L.1818.

As there are no comments, may I take it that the Committee is prepared to adopt the draft resolution contained in document A/AC.109/L.1818 without a vote?

The draft resolution was adopted.

The Chairman: The Committee has thus concluded consideration of this item.

Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination (A/AC.109/1191)

Military activities and arrangements by colonial Powers in Territories under their administration (A/AC.109/1191)

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (A/49/216)

The Chairman: The next three items on our agenda relate to foreign economic interests, military activities and specialized agencies. The consolidated working paper relating to the first two items, prepared by the Secretariat, will be issued shortly. With respect to the specialized agencies item, the reports of the Secretary-General and the

President of the Economic and Social Council should be published soon.

Does any member wish to speak in the general debate on any of these items?

If not, the Committee will continue consideration of these items at a subsequent meeting.

I would urge members to continue their consultations in respect of the draft decisions still pending on these three items. In order for the Committee to take action on the draft proposals, the drafts would need to be submitted at the latest by tomorrow, Wednesday, 13 July. Delegations wishing to sponsor those draft decisions should contact the Secretariat.

In order to facilitate our work, and as indicated in aide-mémoire 12/94 of 14 June 1994 concerning the provisional schedule of meetings, I wish to remind members wishing to take part in the debates relating to the items on foreign economic interests, military activities and arrangements by colonial Powers in Territories, and implementation of the Declaration by specialized agencies to do so as soon as possible.

As can be seen from our programme of work, the Committee is trying to conclude its work in one week with a programme that is heavy and which includes the hearing of petitioners with respect to a number of Territories. The Committee will also have to take action on a number of draft decisions during the same period. I would therefore appeal to all members to be prepared so that we can make maximal use of the time and conference facilities available to us.

Report of the Special Committee to the General Assembly at its forty-ninth session

The Chairman: In order to facilitate the submission in good time of the Committee's report to the General Assembly, I would suggest that, in keeping with the practice adopted by the Committee at previous sessions, the Rapporteur be requested to prepare and submit directly to the Assembly the various chapters of the report covering the items on which the Committee has concluded consideration. If the Committee has no objection to following this time-honoured practice, we shall proceed in that way.

It was so decided.

Organization of work

The Chairman: At its meetings scheduled for tomorrow, 13 July 1994, the Committee will consider the question of East Timor and the report of the Subcommittee relating to 10 Territories.

As I speak, 29 requests for hearing have been received on the question of East Timor. I would therefore urge all members to be on time so that we can utilize the time allotted to us to the fullest.

With regard to the question of Western Sahara, the representative of the POLISARIO Front has indicated that he will not be in a position to speak on Wednesday, 13 July, and has requested to be heard on Thursday, 14 July. May I take it that the Committee agrees to consider the question of Western Sahara on Thursday, 14 July, and hear the representative of the POLISARIO Front on that day?

It was so decided.

The meeting rose at 4.10 p.m.